

the petition of the Chamber of Commerce of the State of New York and citizens of said State, including I think nearly all merchants doing a wholesale business in the city of New York, in reference to a bill for the suspension of the coinage of the silver dollar. I present also a memorial of members of the Stock Exchange of the city of New York on the same subject. I ask that both memorials be printed in the RECORD, without the names, and that they be referred to the Committee on Coinage, Weights, and Measures.

There being no objection, the memorials were referred to the Committee on Coinage, Weights, and Measures, and were ordered to be printed in the RECORD. They are as follows:

SUSPENSION OF THE COINAGE OF THE SILVER DOLLAR.

Memorial of the Chamber of Commerce of the State of New York and citizens of said State.

To the honorable the Senate and House of Representatives
of the United States of America in Congress assembled:

May it please your honorable body:

The Chamber of Commerce of the State of New York, and the undersigned, merchants and citizens of said State, beg leave respectfully to represent to your honorable body:

First. That it is desirable that the metallic money of the United States should consist of gold and silver coin of interchangeable relative value, and that coinage should be restricted to the needs of commerce and the wants of the people.

Second. That the amount of silver dollars now accumulated in the Government vaults is largely in excess of these requirements, and that it has been demonstrated by experience that this excess can not be utilized at present as a circulating medium.

Your memorialists therefore respectfully pray that a bill may be speedily enacted by your honorable body which shall provide that the coinage of silver dollars shall be suspended for a period of at least two years next ensuing, and that in order to bring into gradual circulation the surplus silver coin now in the Treasury, the further issue of bills of the denomination of one and two dollars shall be discontinued.

And your memorialists will ever pray.

* MARCH, 1884.

Memorial of the Stock Exchange of the city of New York.

To the honorable the Senate and House of Representatives
of the United States of America:

May it please your honorable body:

The New York Stock Exchange and the undersigned, citizens of the State of New York, beg leave respectfully to represent to your honorable body:

First. That the relative value of gold and silver coins has been so disturbed (the price of silver bullion having declined about 14 per cent. from its former value as measured by gold) that several nations have discontinued the coinage of silver, and are not likely to resume it until an international agreement can be arrived at as to the future coinage relation between these precious metals, based upon the regular production of the mines of the world.

Second. That recognizing that it is of vital importance to the interests of the Government and people of the United States that our gold and silver coins shall be of equal and interchangeable value, we are of opinion that the coinage of silver dollars, now progressing at the rate of \$2,000,000 per month, should be suspended and not resumed until an international coinage agreement can be arranged calculated to establish and maintain such legal relation between the two metals; and that such suspension of coinage by this Government is one of the most important conditions precedent to the bringing about of this desirable result.

Third. That there are now on storage in the United States Treasury 126,000,000 of silver dollars, not yet absorbed into the circulation, or likely to be so absorbed unless a way is opened by prohibiting the further issue of legal-tender notes below the denomination of \$5.

Fourth. That it is a grave financial error for the United States Government to diminish the amount of gold which has been accumulated under the resumption act to protect its legal-tender notes, by investing it in silver bullion for purpose of coinage into dollars which must be stored and are not wanted for circulation. With foreign exchange at the specie exporting point, such diminution in the amount of gold held by the United States Treasury must tend to impair the confidence of the world in the ability of this Government to continue to pay on demand the more valuable of its coins, which alone can be used to adjust and discharge the balance of foreign exchanges.

Your memorialists therefore respectfully pray that a bill may be speedily enacted by your honorable body which shall provide that the coinage of silver dollars shall be suspended for a period of at least two years next ensuing, and that in order to bring into gradual circulation the surplus silver coin now in the Treasury the further issue of bills of the denomination of \$1 and \$2 shall be discontinued.

And your memorialists will ever pray.

NEW YORK, March, 1884.

MISSISSIPPI CONTESTED ELECTION.

The Speaker laid before the House records of the chief supervisor of elections for the northern district of Mississippi, district No. 2, the same having been transmitted to the Clerk of the House; which were referred to the Committee on Elections, and ordered to be printed.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CARLETON: Petition of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

Also, resolutions of the committee and department commander of the Grand Army of the Republic of Michigan, of the same purport—to the same committee.

By Mr. CLAY: Papers relating to the claim of W. A. Eastin—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of the soldiers and sailors of Southwestern Michigan, in favor of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

Also, petition of workingmen of Muskegon, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petitions of workingmen of Muskegon, and of the Knights of Labor of Cadillac, Mich., in favor of House bills 2550, 1798, and others—to the Committee on Labor.

Also, petition of the Board of Trade of Detroit, Mich., in favor of suspension of coinage of the standard silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ERMENTROUT: Memorial of the Traders' National Bank, Rochester, N. Y.; of the Fifth National Bank, Pittsburgh, Pa.; of the Merchants' National Bank, Richmond, Va.; and of the Genesee County National Bank, Batavia, N. Y., relative to the national-bankingsystem—severally to the Committee on Banking and Currency.

By Mr. EVERHART: Petition of manufacturers, praying for the settlement of the agitation on the tobacco tax—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of the teachers of the public schools of Atlanta, Ga., in favor of the educational bill—to the Committee on Education.

By Mr. HARDY: Petition of citizens of the State of New York, for an appropriation for the improvement of the Bronx River, New York—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Joint resolution of the General Assembly of Iowa, urging the speedy adjustment of pension claims—to the Committee on Invalid Pensions.

By Mr. HISCOCK: Petition asking Congress to place macaroni back on the duty-list—to the Committee on Ways and Means.

By Mr. NELSON: Petition of C. F. Washburn and others, relative to the opening of the Sisseton and Wahpeton Indian reservations, in Dakota—to the Committee on Indian Affairs.

By Mr. NUTTING: Petitions of J. D. O'Brien Post, Grand Army of the Republic, Oswego, N. Y., and of Hiram Sherman Post, Grand Army of the Republic, Vermillion, N. Y., relative to pensions, &c.—severally to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Memorial of the Missouri Civil Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

Also, petition of the board of directors and members of the Merchants' Exchange of Saint Louis, asking that silver coinage be stopped for two years and the issue of small bills be discontinued—to the Committee on Coinage, Weights, and Measures.

By Mr. RAYMOND: Petition of the Chamber of Commerce and citizens of Grand Forks, Dak., urging the passage of H. R. 4384, relative to Indian reservations in Dakota—to the Committee on Indian Affairs.

Also, petition of S. A. Hulbert Post, Grand Army of the Republic, Elk Point, Dak., asking for a quarter-section of land for each honorably discharged soldier and sailor—to the Committee on the Public Lands.

Also, petition of citizens of Dakota, asking for an appropriation for rebate on tobacco tax—to the Committee on Appropriations.

By Mr. SCALES: Petition of citizens of North Carolina, for national aid to education—to the Committee on Education.

By Mr. SENEY: Resolutions of Captain Horace Robinson Post, No. 135, Grand Army of the Republic, Department of Ohio, relative to the relief of Union soldiers—to the Committee on Invalid Pensions.

By Mr. STRAIT: Memorial of the Chamber of Commerce of the city of Saint Paul, Minn., for the improvement of the channel of the Mississippi River opposite West Saint Paul—to the Committee on Rivers and Harbors.

By Mr. VAN ALSTYNE: Resolutions of the Board of Trade of the city of Albany, N. Y., recommending the passage of a bill for the permanent improvement of the Erie Canal, &c.—to the Committee on Railways and Canals.

By Mr. A. J. WARNER: Petition of George Woolman and others, citizens of Morgan County, Ohio, asking for the restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. WILLIS: Memorial of the Louisville Board of Trade, for suspension for two years of coinage of silver dollars, &c.—to the Committee on Coinage, Weights, and Measures.

SENATE.

THURSDAY, April 17, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington city.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to that part of the Journal wherein it is stated that yesterday the Senator from South Carolina [Mr. HAMPTON] reported adversely, from the Committee on Military Affairs, the bill (H. R. 3236) for the relief of Ernest H. Wardwell, and it was indefinitely postponed. There was sent to the desk with the report a bill which appears to have been introduced in the House of Representatives but is not in the possession of the Senate. The Chair supposes that an identical bill for the relief of the same person, Senate bill 521, which was referred to that committee, was the one intended to be reported; and if

there be no objection the Journal will be corrected to make the report read as being upon Senate bill 521. That order will be entered. If there be no objection the Journal of yesterday's proceedings as amended will be approved.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the memorial of A. M. Merchant, editor of the Rhode Island Democrat, remonstrating against the passage of the news-copyright bill. I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present two memorials from publishers of newspapers in Wisconsin on the same subject, which I move be referred to the Committee on the Library.

The motion was agreed to.

Mr. SHERMAN presented a resolution of Neibling Post, No. 20, Department of Ohio, Grand Army of the Republic, Weston, Ohio, in favor of the adoption of certain recommendations of the committee on pensions of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. JONAS presented the petition of J. R. Carroll, of Carrollton, La., praying payment out of the Chinese indemnity fund for his losses by the pillage and destruction of the bark Caldera in 1854, indemnity for which damage was especially claimed by our Government and collected under the treaty with China; which was referred to the Committee on Foreign Relations.

Mr. PLATT presented the petition of James W. Cheeney and others, of South Manchester, Conn., and the petition of Emory L. Bates and others, of Fiskdale, Mass., praying that the Patent Office be made an independent department; which were referred to the Committee on Patents.

Mr. HARRISON presented resolutions adopted by Magnus Bucker Post, No. 234, Grand Army of the Republic, Department of Indiana, and resolutions adopted by Farragut Post, No. 27, Grand Army of the Republic, Department of Indiana, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

Mr. MILLER, of California, presented a memorial of citizens of California, remonstrating against the claim of Herrmine Thompson to be allowed to pre-empt a tract of land at Fort Independence, Inyo County, California; which was referred to the Committee on Military Affairs.

Mr. WILSON presented the memorial of W. R. Mead and F. J. Mead, editors and proprietors of the Iowa Plain Dealer, remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

Mr. HAWLEY presented a memorial of Burdick & Sandford and six other manufacturers and inventors, of Albany, N. Y., and a memorial of the Armington and Sims Engine Company, of Providence R. I., protesting against legislation by Congress hostile to the present patent laws; which were referred to the Committee on Patents.

Mr. INGALLS presented a petition of the T. L. Sutphen Post, No. 41, Grand Army of the Republic, of Evansville, Wis., praying that the recommendation of the national committee of that organization concerning the extension of the arrears-of-pension limit be adopted; which was referred to the Committee on Pensions.

Mr. CONGER presented resolutions of the board of health of the State of Michigan, in favor of the passage of a bill for the prevention of the introduction of infectious diseases into the United States, and for obtaining information regarding the sanitary condition of foreign ports and places in the United States and information relating to climatic and other causes affecting the public health; which were referred to the Committee on Epidemic Diseases.

He also presented resolutions adopted by the Timothy O. Howe Post, No. 3, Grand Army of the Republic, of New Orleans, relative to further legislation granting pensions to ex-soldiers; which were referred to the Committee on Pensions.

Mr. COCKRELL. I present the petition of George W. Nokes, late private Company A, Seventy-second Regiment Missouri Enrolled Militia, of Nixa, Christian County, Mo., praying to have his name entered on the pension-rolls, and move that it and the accompanying letter addressed to me be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. 1366) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, reported a bill (S. 2060) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin; which was read twice by its title.

Mr. McMILLAN. I am also instructed by the same committee to report adversely the bill (S. 693) to authorize the construction of bridges across the Wisconsin, Black, Chippewa, and Saint Croix Rivers, in the State of Wisconsin, and the Fever River, in the State of Illinois, the provisions of the bill being covered by the bill just reported.

The bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Commerce, reported a bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; which was read twice by its title.

Mr. McMILLAN. I am instructed by the same committee to report adversely the bill (S. 1623) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin, the subject-matter of the bill being covered by the bill just reported.

The bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 2055) for the relief of Basil Moreland; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2056) granting an increase of pension to James M. Blades; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2057) granting a pension to Margaret Beymer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2058) recognizing Elias J. Beymer as an enrolling officer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 2059) authorizing the appointment of a Missouri river commission, to superintend and carry into execution the plans for the improvement of the navigation of said river from its mouth to its headwaters; which was read twice by its title.

Mr. COCKRELL. I move the reference of this bill to the Committee on the Improvement of the Mississippi River and its Tributaries.

The PRESIDENT *pro tempore*. There is no committee on the improvement of the Mississippi River and its tributaries under the new rules; it is the Committee on the Improvement of the Mississippi River merely. Does the Senator from Missouri wish to have the bill referred to the Committee on the Improvement of the Mississippi River?

Mr. COCKRELL. Yes, sir. I had not noticed the fact that the title of the Committee on the Improvement of the Mississippi River and its Tributaries had been changed under the new rules.

The PRESIDENT *pro tempore*. It appears to be so.

Mr. COCKRELL. It must have been a clerical mistake, then, for I do not think it was the intention that it should be done.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Improvement of the Mississippi River.

PROPERTY ASSESSMENTS IN DISTRICT OF COLUMBIA.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the valuation of the property in the District of Columbia according to the assessments of 1878 and 1883, showing the number of square feet in each square in the city of Washington, and the value of the ground and improvements thereon.

INTERSTATE COMMERCE.

Mr. WILSON submitted the following resolution; which was read:

Whereas the Constitution delegates to Congress the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes:" Therefore,

Be it resolved, That it is competent for Congress in the exercise of the power so delegated to provide by law for such regulation of the transportation of commerce among the several States as shall include a system of maximum and minimum rates of charges for the same, for free competition between the limits so fixed, for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points; for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States; for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock," and for the promotion of the true interests of both the corporations employed in such transportation and the people and localities engaged in such commerce by an enforcement of the principles hereinbefore stated, and thereby induce harmony and stability in the affairs of the said corporations, people, and localities.

Mr. WILSON. Early in January I introduced a bill on the subject of interstate commerce based upon the features and principles expressed in this resolution. That bill is before the Committee on Railroads for their consideration. I wish to have the resolution laid upon the table with a view of calling it up at an early day for the purpose of submitting some observations to the Senate upon it.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and laid upon the table.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule, beginning with Order of Business 233.

Mr. MORRILL. It is rather necessary to have an executive session for a few minutes. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

SPECIAL ATTORNEYS OF DEPARTMENT OF JUSTICE.

The PRESIDENT *pro tempore*. The Chair asks leave at this time to lay before the Senate a communication from the Department of Justice. It will be read.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, Washington, April 14, 1884.

SIR: In answer to Senate resolution dated January 24, 1884, I have the honor to transmit herewith copies of all papers and data bearing upon the compensation of the special attorneys in the star-route cases.

The letters relating entirely to this matter have been copied in full, and where it has been referred to incidentally in letters embracing other matters I have had extracts made of that which was relevant to this subject.

The compensation for legal services in these cases was first fixed by my predecessor, Mr. MacVeagh, at a consultation with George Bliss, esq., at Long Branch, N. J., in the presence of Mr. James, then Postmaster-General, as you will observe from the letter of Mr. Bliss to Hon. William Lawrence, First Comptroller of the Treasury, dated November 12, 1882.

It seems that at that time Mr. MacVeagh did not think he had authority under the law to enter into a contract binding the Department to pay a specific sum for future services. The fact is, the law does contemplate such contracts, but Mr. MacVeagh, not having the statutes at hand, pleaded his inability under the law as a reason for not entering into a formal agreement. However, they came to a mutual understanding, which was deemed its equivalent.

I did not think the rate thus fixed to be either immoderate or in excess of the fees ordinarily paid in New York to lawyers of active practice. It must be remembered, too, that Mr. Bliss was taken away from home and a prosperous business, and that he was selected because of his peculiar fitness for investigations of this character, having had large experience as United States district attorney in New York city in like examinations.

Had it been originally supposed that the cases would occupy the time they did, probably the rate fixed would not have been asked or given. When, however, the trial was tediously protracted by the policy of the defense the sum total paid for the services of Mr. Bliss did appear excessive, and I accordingly urged that some abatement be made by him, as I did also to the other counsel. Mr. Ker's bills I reduced, and Mr. Merrick made reductions at my request, but Mr. Bliss insisted upon full compliance with the requirements of the original contract, in one instance claiming that it allowed him to charge for argument a sum in excess of \$100 per day, which I refused to grant, and on the 4th day of November, 1882, he wrote a letter threatening to withdraw from the case if his account was not paid.

While the cases were in progress I thought it injudicious to insist upon concessions, which would bring about the withdrawal of Mr. Bliss. Besides this, had a new attorney been employed in his place it would have taken him several months to learn the facts and make the necessary preparation, which would have increased rather than diminished the expense, though he were employed at a lower rate.

The compensation of Messrs. Merrick and Ker was fixed by me not extravagantly as I think. The record of the two trials embraces 9,374 pages of closely printed matter; the labor was extreme, and the counsel were engaged continuously for months, and often to a late hour at night. In view of the importance of the cases and the responsibility devolving upon the attorneys for the Government I do not think the amount received by Messrs. Merrick and Ker excessive, or out of proportion to that paid in cases of even less magnitude between private parties.

All of the counsel were necessary. There were at least ten openly acknowledged counsel for the defense in the first trial and eight in the second. Opposed to these were but three for the prosecution. Some of the time of Mr. Bliss was frequently taken up in attendance upon the grand jury and out of court, when the whole labor of the case was thrown upon Mr. Merrick and Mr. Ker, who had to conduct the frequent and vexatious interlocutory contentions over almost irrelevant questions raised only to prolong the trial in pursuance of the policy of the defense. On the 29th of March, 1884, I requested Mr. Bliss to retire; and on the 31st of March, 1884, Mr. Merrick withdrew. I have recently employed Mr. Ker to assist in the prosecution of the Kellogg case, a matter which he had previously prepared and with which he is familiar. His last employment is from March 31, 1884, and is at a compensation to be fixed after the trial, when I can properly judge of the value of his services.

In the first trial of the case against Dorsey *et al.* I personally appeared in court as often as my other duties would permit, followed the case with care from day to day, and made the closing argument before the court and jury. Two of the defendants were convicted on the first trial, but the irregularity and incongruity of finding the subordinates guilty and failing to convict the organizers and chief conspirators, those who made the whole gain and those who had set on foot the whole scheme to rob the Government, was so manifest, that the verdict was set aside upon the motion of the Government. On the second trial there was an acquittal.

The public men who were involved as defendants in these cases were not on their trials before those juries alone; they were on their trials before the people of the United States, and they were convicted by the common judgment of the whole country. They are not punished by imprisonment, but they had better be in prison than now at large, objects of scorn and aversion.

These prosecutions have not been without their usefulness, either. I have been informed by the Post-Office officials that they have saved the Government in that Department alone \$2,000,000 per annum. The effect has been to deter all of the adventurers who throng about the Departments in Washington. The same officials have assured me that before these cases were begun the halls of the Post-Office Department were swarming with these dishonest jobbers. They are there no more. The wholesome terror of these trials has expelled them. The thoroughness of these investigations has made it plain that there is no place so high that it could become a sanctuary for a thief and public robber.

Very respectfully,

BENJAMIN HARRIS BREWSTER,

Hon. GEORGE F. EDMUNDS,

President of the Senate.

Attorney-General.

Mr. VAN WYCK. I move that the communication, with the accompanying papers, be printed and lie upon the table, with a view in a few days of further moving to have it referred to the Judiciary Committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate now proceed to the consideration of the bankruptcy bill.

Mr. HARRIS. I hope the Senator from Massachusetts will not press

the motion at this hour, but will let us have the remaining hour until 2 o'clock for the Calendar under the eighth rule.

Mr. HOAR. The bankruptcy bill is now—

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. HOAR. I so understand, but the Senator from Tennessee has been permitted to make an appeal to me, and perhaps I may be permitted to say in one word that the bankruptcy bill has been read through, and nothing remains, so far as I am aware, but to take the question on one or two amendments, one to be offered by the Senator from Alabama [Mr. MORGAN] and one perhaps by the Senator from Mississippi [Mr. GEORGE]. I understand that the Post-Office appropriation bill is ready and the Committee on Appropriations are desirous to press it. I thought the most convenient way for the Senate would be, as it is now five minutes past 1, to deal with the bankruptcy bill, which has been read, for the remaining fifty-five minutes before 2 o'clock.

Mr. HARRIS. It was with exactly the view suggested by the Senator from Massachusetts that I appealed to him not to make the motion now. The hour between now and 2 o'clock is the only time that we can devote to the Calendar under the five-minute rule, and it is only under that rule that we make any progress in proceeding with the Calendar. Supposing that the bankruptcy bill can be disposed of in a very short time after 2 o'clock, I hoped the Senator would not press his motion now.

Mr. HOAR. I will not use the bankruptcy bill to displace the Calendar if any Senator desires to go on with the Calendar under the circumstances, though I understand that at 2 o'clock the Senator from Oregon [Mr. SLATER] desires to address the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts withdraw his motion?

Mr. HOAR. I will withdraw the motion on the request of the Senator from Tennessee.

ARMS FOR SOUTH CAROLINA.

The PRESIDENT *pro tempore*. The first business in order under Rule VIII is Order of Business 233, being the bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment.

Mr. PLATT. I suppose it is a very ungracious thing to oppose a bill which is going to put some money into the treasury of a State, but I want to say that I can not vote for this bill.

Mr. HARRISON. It does not put any money into the State treasury.

Mr. PLATT. It is suggested by the Senator from Indiana that the bill does not put any money into the treasury of the State of South Carolina. That is true in a certain sense, and in another sense it does. It gives that State arms which otherwise she can not get.

It seems to me that the grounds upon which this legislation is asked are not such as ought to commend it to the Senate. The act of drawing these arms originally in advance of the quota to which the State of South Carolina was entitled was the act of the State. I am not going to discuss the question of the condition of South Carolina at that time, and whether the act of Governor Scott was a proper one, whether it was proper to arm the negroes of South Carolina; but the State of South Carolina came to the General Government and obtained the arms, and it seems to me that the State ought to be bound by the act of its governor, and ought not now to come and ask to have the act of its governor repudiated and other arms issued to the State in lieu of those which were thus obtained.

The arms which were obtained have never been returned by the State of South Carolina to the Government. There is no proposition to return them now to the Government. So the proposition is to keep the arms which the Government issued to the State of South Carolina and to treat it as if the issue had never been made, and of course to obtain further arms for the use of the State.

As I say, I do not care to discuss this matter very much. I feel that it is a bill which I can not vote for, and therefore I desired to express that feeling here and to have my vote recorded against it.

Mr. HAMPTON. Mr. President, I shall not discuss the bill except to bring one or two matters to the consideration of the Senate and to correct the Senator from Connecticut in reference to his statement of there having been no proposition to return the arms. All that the State has now it is very anxious to return, and did make a proposition to return them as far as it could get them and to obtain some proper arms in their place.

But the ground upon which we make this application is that we have a very excellent militia there now, a volunteer force that is being built up all over the State; we take very great pride in it; and it is impossible to arm those troops unless we can get some arms. If the act continues in force which gave the arms to the State for thirty years in advance, it will be seventeen years yet before the State can draw a single arm.

I wish to show to the Senate the amount that those arms have already cost the State, and I do that from official documents collated in 1870

and 1871 by a joint committee of both branches of the Legislature, composed entirely of Republicans. Their testimony is that so great a fraud was perpetrated in the arms that they have cost the State \$545,159. The changing of the arms into breech-loaders cost the State over \$200,000. There were \$250,000 charged, and we do not know how the money was expended. Then the State is charged in the War Department \$124,000, making altogether, as I have stated, \$545,000.

I do not criticise the action of the War Department in issuing the arms. I do not propose to criticise here the action of the authorities of South Carolina. I do not base our claim upon anything of that sort, but simply upon the ground that arms were issued for thirty years in advance. I do not think myself that the Secretary of War had the authority under the act of 1808 to make so large an issue, but I waive that point, and appeal to the Senate not to make any reclamation for the arms that have been issued, but simply to allow us to draw our quota, which amounts to only \$4,000 a year, so that we may have some means of arming our volunteers. Two admirable companies in my own town have written to me, the governor has written to me, to get arms. I have not presented the claim, because I know it is perfectly useless to do it as long as this debt remains charged against the State.

I trust that the Senate will pass the bill. It passed at the last session without one word of objection.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. PLATT. I should like to have the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, there is an annual appropriation of \$200,000 made under the law of 1808 for arming the militia of the United States. This is distributed among the different States of the Union in proportion to their population. It is not denied that in 1869 the State of South Carolina received the arms that are charged against that State. The Senator from South Carolina does not pretend to deny it. They were delivered under a requisition from the governor of that State; they were received by the authorities of the State; they were distributed to the militia of the State; they are in possession of the militia, or the authorities, or the citizens to-day.

The amount was largely in excess of what the State was entitled to receive. We have nothing whatever to do with the question as to whether the Secretary of War did right or did wrong in complying with the requisition. I have only to say that if this bill passes the Senate in doing an act of generosity to the State of South Carolina wrongs every other State in the Union, because the amount that is to be distributed hereafter will be diminished exactly by the amount that is given by the bill to the State of South Carolina.

For one, sir, in the name of the State that I represent, I protest. There has been no ground shown for the action that is proposed by the bill. It is simply an appeal by the Senator from South Carolina to the generosity of the Senate to allow this bill to pass in order that a quota of arms in excess of what the State is entitled to may be granted hereafter.

I can only repeat that if this misguided and mistaken act of generosity passes it is a direct robbery of every other State in the Union.

The Secretary proceeded to call the roll.

Mr. COKE (when Mr. MAXEY's name was called). My colleague [Mr. MAXEY] has been necessarily called home on business. He was paired with the Senator from Massachusetts [Mr. DAWES]. This pair has been transferred to the Senator from Rhode Island [Mr. ANTHONY].

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 24, nays 14; as follows:

YEAS—24.

Bayard,	Coke,	Harris,	Pugh,
Beck,	Colquitt,	Hawley,	Ransom,
Bowen,	Farley,	Jackson,	Riddleberger,
Brown,	Garland,	Jonas,	Slater,
Call,	Groome,	Morgan,	Vance,
Cockrell,	Hampton,	Pike,	Williams.

NAYS—14.

Allison,	Frye,	McMillan,	Sawyer,
Cameron of Wis.,	Hill,	Mitchell,	Sherman.
Conger,	Hoar,	Palmer,	
Edmunds,	Ingalls,	Platt,	

ABSENT—38.

Aldrich,	George,	Logan,	Sabin,
Anthony,	Gibson,	McPherson,	Saulsbury,
Blair,	Gorman,	Mahone,	Sewell,
Butler,	Hale,	Manderson,	Van Wyck,
Camden,	Harrison,	Maxey,	Vest,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Voorhees,
Cullom,	Jones of Nevada,	Miller of N. Y.,	Walker,
Dawes,	Kenna,	Morrill,	Wilson.
Dolph,	Lamar,	Pendleton,	
Fair,	Lapham,	Plumb,	

The PRESIDENT *pro tempore*. There is not a quorum voting. In pursuance of the rules, the Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-two Senators responded to their names.

The PRESIDENT *pro tempore*. Forty-two Senators are present; a quorum is present. The question is, "Shall the bill pass?" on which the yeas and nays have been ordered.

The Secretary again proceeded to call the roll.

Mr. GARLAND (when the name of Mr. HILL was called). My colleague [Mr. WALKER] is paired with the Senator from Colorado [Mr. HILL].

Mr. MILLER, of California (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. WILSON (when his name was called). My pair has already been announced.

The roll-call having been concluded, the result was announced—yeas 30, nays 12; as follows:

YEAS—30.

Bayard,	Colquitt,	Harrison,	Ransom,
Beck,	Dawes,	Hawley,	Riddleberger,
Blair,	Dolph,	Jackson,	Slater,
Bowen,	Farley,	Jonas,	Vance,
Brown,	Garland,	Manderson,	Van Wyck,
Call,	Groome,	Morgan,	Williams.
Cockrell,	Hampton,	Pike,	
Coke,	Harris,	Pugh,	

NAYS—12.

Allison,	Edmunds,	McMillan,	Platt,
Cameron of Wis.,	Frye,	Mitchell,	Sawyer,
Conger,	Hoar,	Palmer,	Sherman.

ABSENT—34.

Aldrich,	Gorman,	Logan,	Sabin,
Anthony,	Hale,	McPherson,	Saulsbury,
Butler,	Hill,	Mahone,	Sewell,
Camden,	Ingalls,	Maxey,	Vest,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Voorhees,
Cullom,	Jones of Nevada,	Miller of N. Y.,	Walker,
Fair,	Kenna,	Morrill,	Wilson.
George,	Lamar,	Pendleton,	
Gibson,	Lapham,	Plumb,	

So the bill was passed.

BRANCH SOLDIERS' HOME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of section 2, to insert:

Provided, That said board of managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.

Mr. HARRISON. As there is no report accompanying the bill, I ask leave simply to say a word in explanation of one or two of its features.

The law regulating national volunteer soldiers' homes at present, as to the classes who may be admitted, reads as follows:

The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto, upon the recommendation of three of the board of managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty.

The bill, as will be noticed, enlarges the scope of these homes in the fifth section, so that it does not require honorably discharged soldiers to make such proof as under the law would entitle them to a pension in order to be admitted. This change in the law has been recommended by the board. In the report of the board for last year they say:

It was recommended that the benefits of the home be extended to destitute deserving soldiers, unable to earn their living, who could not trace their disabilities to their service, and that sailors who served the United States during the war of secession should be placed upon the same footing of admission to the home as are soldiers and sailors who served in preceding wars.

The Senate noticed as I read section 4832 that the sailors of the late war are not included within the present terms of admission to the home. This provision of the bill I think is in strict line with the recommendations of the present board. I think the general sentiment would be that in providing homes for those who are disabled and who rendered valuable and honorable and gallant service we should not make the conditions as close as they are made in the granting of a pension for disability incurred in the service.

I make this explanation simply.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

Mr. MILLER, of California. I offer the following amendment as an additional section:

SEC. 6. That the board of managers of the Home for Disabled Volunteer Soldiers is hereby authorized to establish a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to negotiate with the managers of the Veterans' Home, located in Napa County, California, for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and to accept the same, if in the opinion of the said board of managers it is expedient so to do, upon the terms and conditions offered by the managers of said Veterans' Home.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. MILLER, of California. I desire to explain the reason why I offer this amendment.

There are a great many disabled veteran soldiers, not only of the war of the rebellion but of the Mexican war, on the Pacific coast. In California there are several thousand veterans, some of them disabled; at least we have our share of this class of deserving soldiers. The Government has never established any home or any branch of the National Home on that coast. The people themselves have established what they call a Veterans' Home, and have about fifty thousand thousand dollars' worth of property, consisting of lands and buildings, which they are willing to turn over to the Government to be used as a branch of the National Home.

I offer this amendment to enable the managers to ascertain whether the Veteran's Home in California can be had for this use. It will of course cost the Government nothing and will provide the means of taking care of the disabled soldiers on that coast. It is so far away that they have no benefit of the National Home or any of its branches on this side of the Rocky Mountains. It is manifestly just and proper that they should have these benefits. I know of no other way than to establish a home there; and as a beginning for it liberal subscriptions have been made; the property is owned and is free of debt. I think it would be a good arrangement to have the property turned over to the United States, and a branch of the National Home established there.

Mr. HARRISON. I think I ought to say on behalf of the Committee on Military Affairs that we can not consent to the amendment proposed by the Senator from California. There were several bills providing for the location of soldiers' homes, one distinctly in the State of Kansas, one perhaps in some other Western State. This has been the result. We have provided for one home west of the Mississippi River, and for the reason that none of the present national homes are convenient to these States. It may be that when this measure of the Senator from California can be considered by the committee and the present character of the establishment they have there and the terms on which it may be transferred to the United States can be considered, the committee would be willing to provide for the establishment of a home in California, but I do not think it ought to be admitted as an amendment to this bill.

Mr. MILLER, of California. Mr. President—

The PRESIDENT *pro tempore*. The Senator from California is not entitled to speak again without unanimous consent.

Mr. MILLER, of California. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. Is there objection to the Senator from California proceeding? The Chair hears none.

Mr. MILLER, of California. It should have occurred to the committee when they were devising a proposition to establish another branch home west of the Mississippi that there was such a country as the Pacific coast, and that there were soldiers there; but as it has not occurred to the committee that there is any such thing needed on the Pacific coast, and they desire to consider the propriety of establishing a branch there, I am willing that the amendment be so modified that the managers may report to Congress before any action is taken as to the merger of the Veterans' Home in California into the National Home as a branch. I ask the Secretary to make that change in the amendment, so that the managers shall report to Congress.

The PRESIDENT *pro tempore*. The Senator from California modifies his amendment. It will be read as modified.

The Chief Clerk read the amendment as modified, as follows:

SEC. 6. That the board of managers of the Home for Disabled Volunteer Soldiers is hereby authorized to establish a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to negotiate with the managers of the Veterans' Home, located in Napa County, California, for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and report to Congress in respect to the propriety and expediency of accepting said Veterans' Home for said branch.

Mr. COCKRELL. I hope this amendment will not be agreed to. It is not just or proper that the Senate should in the first instance take up and consider an amendment of this character. The Committee on Military Affairs gave due consideration to this subject in regard to the bill that is now before us. There were other propositions pending before the committee. There were several petitions from the State of Michigan. There was a project from the State of Pennsylvania, offering a very considerable tract of land and valuable improvements for the location of a soldiers' home. There was a petition from Kansas, a numerously signed petition from Kansas representing many times more soldiers than would be represented by this establishment, asking for the establishment of a home in that State. The Committee on Military Affairs considered the situation. There is already a home at Hampton, Va., called the southern branch; there is one at Togus, Me., called the eastern branch; there is one at Dayton, Ohio, called the central branch; and one at Milwaukee, Wis., called the northwestern branch. We determined to fix a home west of the Mississippi River to accommodate that locality, and we thought it was as far as we ought to go now.

This question has not received consideration, and I do not think that

it ought to be adopted at this time. If it is adopted I say very frankly that I shall feel it to be my duty to move to recommit the bill to the Committee on Military Affairs, because if this is to go in there are other equally or more meritorious cases that ought also to be included. If this is to be an omnibus bill to provide for every State, let us understand it and make such provision as best we may.

Mr. CONGER. Mr. President, there were presented to the Committee on Military Affairs a large number of petitions, representing almost the entire body of the Michigan soldiers of the late war, asking for a branch of the Soldiers' Home in Michigan, and the committee for the reasons stated by the Senator from Missouri did not see fit to make any recommendation in that respect. I had not expected that this bill would be acted on until the petitioners from my own State had been heard fully upon this subject and an opportunity of a more full consideration of the subject given.

I am in favor of this proposition. I think it is a mockery to soldiers who live perhaps surrounded by some relatives, at least by some friends, in places remote from a soldiers' home, to say to them that they can find by going a thousand miles off a home among strangers, entirely away from all those who might be personally interested in their welfare. I believe that it would be no more expensive to have these branches of the Soldiers' Home under the same administration and at reasonably near places to great bodies of soldiers than to have them all congregated in this general mass where in some places there is not room for the soldiers to be accommodated now.

There are many reasons why there should be branches for these old, worn-out, dying soldiers, that they may not go entirely away from all their associations and all their friends, and they should be located where they can have a pleasant home in which to live and in which to die.

I should hope that this bill might be recommitted to the committee with the object of having the committee consider this question of expense, of convenience, and of what is due to the soldiers.

In the State of Michigan there is a military reservation a few miles from Detroit, the old Fort Dearborn reservation, which has upon it all the buildings which were at the fort when it was occupied as an arsenal and a fort. Perhaps with some repairs some of those buildings might be made available for a soldiers' home. At least the Government has the property there, several hundred acres of land I believe, in a salubrious region, and the expense could not be great of fitting it up and preparing it as a suitable home for the soldiers in Michigan who do not like to go off into other States, who do not like to go away from their friends, their families, their relatives, to be away in sickness and perhaps in death, so far removed as they would be by going to Dayton or across the lake to Milwaukee. There should be at least asylums for the sick and disabled and those who can not be moved to great distances. There should be a branch home on a smaller scale for that class of soldiers, and I say it is the universal desire of every soldier in Michigan who was connected with the service in the war, and it has been expressed in the resolutions of the Grand Army posts all over that State, and individually, that there should be a branch home in Michigan for their comrades, in which they may live and in which they may be reasonably near those who are interested in them, that they may die in their own land and in their own homes.

There is no sentimentality about this. There is no reason why men should be sent far off. We are not doing them a favor if we give them a home that has not all the virtues of a home, one of which is nearness to their relatives and nearness to their friends. We should give it to them in their own State, especially for those who are sick and unable to be removed a great distance away from their friends.

The PRESIDENT *pro tempore*. The time of the Senator from Michigan has expired.

Mr. CONGER. I move that the bill be recommitted to the Committee on Military Affairs with a view to its further consideration—

Mr. HARRISON. I object to the reference.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the bill be recommitted to the Committee on Military Affairs.

Mr. CONGER. I desire to say upon that motion, as I had not quite time enough to say what I wanted on the last motion, that papers are being prepared now which are intended to be presented to that committee, which are before committees in the House now, papers providing for the occupation and use of a military property, a post in Michigan, similar to the one which the Senator from California has presented, in which without great expense, on property now belonging to the Government, military property which perhaps has some conveniences already upon it, at comparatively slight expense other conveniences can be made and buildings erected for the accommodation of Michigan soldiers.

I hope this bill may be recommitted and that the committee will be willing to listen to the voice of the thousands of soldiers in Michigan who have modestly expressed their strong desire for the establishment of such a home.

The PRESIDENT *pro tempore*. The question is on the motion to recommit.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 2, nays 38; as follows:

YEAS—2.

Conger, Palmer.

NAYS—38.

Allison,	Edmunds,	Jackson,	Platt,
Bayard,	Farley,	Jonas,	Pugh,
Blair,	Frye,	Jones of Nevada,	Sawyer,
Bowen,	George,	Lamar,	Sherman,
Brown,	Groome,	Logan,	Slater,
Call,	Hampton,	McMillan,	Van Wyck,
Cameron of Wis.,	Harris,	Manderson,	Williams,
Cockrell,	Harrison,	Miller of Cal.,	Wilson.
Coke,	Hawley,	Miller of N. Y.,	
Colquitt,	Hoar,	Morgan,	

ABSENT—36.

Aldrich,	Fair,	Lapham,	Ransom,
Anthony,	Garland,	McPherson,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Butler,	Gorman,	Maxey,	Saulsbury,
Camden,	Hale,	Mitchell,	Sewell,
Cameron of Pa.,	Hill,	Morrill,	Vance,
Cullom,	Ingalls,	Pendleton,	Vest,
Dawes,	Jones of Florida,	Pike,	Voorhees,
Dolph,	Kenna,	Plumb,	Walker.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from California as modified.

Mr. LOGAN. The amendment has been further modified.

The PRESIDENT *pro tempore*. The amendment has been further modified, and will be read as modified.

The Chief Clerk read as follows:

SEC. 6. That the board of managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to receive proposals from the managers of the Veterans' Home, located in Napa County, California, for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and report to Congress in respect to the propriety and expediency of accepting said Veterans' Home for such branch. But this section shall not interfere with the establishing of the home provided for in this act.

The PRESIDENT *pro tempore*. The question is on the amendment as modified. The hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HARRISON. I ask unanimous consent to finish the consideration of this bill. It will take but a moment, and I hope the Senator from Massachusetts [Mr. HOAR] who has charge of the regular order will yield.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the Senate continue the consideration of the Soldiers' Home bill last under consideration. Is there objection?

Mr. HOAR. I understand this is not debatable, but I desire to say that I understand the Senator from Oregon [Mr. SLATER] gave notice some days ago of a desire to submit some remarks to the Senate at this hour. I suppose the Senate will consent to that when the request is made, and I hope that the Senate will consent to finish the bankruptcy bill this afternoon after the remarks of the Senator from Oregon. The bill has been read entirely through. So far as I know there is to be no delay except in proposing one or two amendments. Whatever time is taken I hope the Senate will devote to it.

Mr. ALLISON. I desire to say that the Senator from Kansas [Mr. PLUMB] having charge of the Post-Office appropriation bill expected to call it up at 2 o'clock to-day. He is momentarily absent, and I suggest that this matter can go on until he returns.

Mr. HARRISON. We can finish this bill in a few minutes.

The PRESIDENT *pro tempore*. Is there objection to the further consideration of the Soldiers' Home bill, the unfinished business being laid aside informally for that purpose? The Chair hears no objection.

Mr. COCKRELL. I should like to ask if the Senator from Oregon desires now to proceed with his remarks? If he does I shall have to object, because it is always courtesy to allow a Senator to speak when he wishes.

Mr. HARRISON. I am sure the Senator from Oregon will yield for a few moments.

Mr. SLATER. I shall not object to continuing the Soldiers' Home bill if it will take but a short time, as I understand it will.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Indiana. The unfinished business is laid aside informally, and the Soldiers' Home bill is before the Senate. The question is on the amendment of the Senator from California [Mr. MILLER] as last modified.

Mr. HARRISON. In the form in which the amendment is proposed now, being a mere proposition of inquiry, I do not feel for one like making any opposition to it.

The amendment was agreed to; there being on a division—ayes 33, noes 7.

Mr. CONGER. I offer the following to be added to the amendment just adopted.

And also that the board of managers of the Soldiers' Home be instructed to in-

quire into the expediency of establishing a branch soldiers' home in the State of Michigan, and also as to the use of the Fort Dearborn military reservation and the buildings thereon for that purpose, and to report to Congress thereon at an early day.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

Mr. LOGAN. I should like to suggest to the Senator from Michigan that a provision be added to his amendment that this examination shall not interfere with the establishment of the home provided for in the bill.

Mr. CONGER. It can not interfere with it.

Mr. HARRISON. I suggest to the Senator from Illinois that that provision in the amendment of the Senator from California be put in at the end of the section, so as to cover both inquiries.

Mr. LOGAN. Very well. Then let it apply to both.

Mr. CONGER. Let both amendments in regard to inquiry be put in at the end of the bill.

Mr. ALLISON. Then I venture to suggest to the Senator from Michigan that instead of saying "they report at an early day," he say, "report to Congress." "At an early day" seems to imply that they should start perhaps next week and make this investigation. I think it will be enough to say, "report to Congress," so as to give reasonable time.

Mr. CONGER. I can not see any objection to their being instructed to report to Congress at an early day.

Mr. ALLISON. There seems to be an implication in the word "early" as if there was great haste about this special matter. I am not particular about it, however.

Mr. CONGER. I think it is as well as it is.

The bill was reported to the Senate as amended.

Mr. HARRISON. Was the modification suggested to the proviso that these two inquiries should not interfere with the general effect of the bill carried out by transposing it so as to apply to both?

The PRESIDENT *pro tempore*. It was not.

Mr. HARRISON. That suggestion was made by the Senator from Illinois. I move that amendment.

The PRESIDENT *pro tempore*. The Senate agreed to the amendment as proposed by the Senator from Michigan [Mr. CONGER], and the Chair has no power to change it. The Senator from Indiana [Mr. HARRISON] now moves to amend the amendment made as in Committee of the Whole in the manner which he will state.

Mr. HARRISON. I was only calling attention to an amendment proposed by the Senator from Illinois, and I ask him to state it.

Mr. LOGAN. It is that the section added as an amendment shall not interfere with the establishment of the home as provided for in this act. It is already in the amendment of the Senator from California.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to amend the amendments agreed to in Committee of the Whole on motion of the Senator from Maine by adding thereto—

But this provision shall not interfere with the establishing of the home provided for in this act.

Mr. CONGER. I think that is overcautions. I do not see how the section as adopted can possibly interfere with the establishment of the home already provided for in the bill.

Mr. LOGAN. It does not hurt.

Mr. HARRIS. Does that apply to the California as well as the Michigan amendment?

The PRESIDENT *pro tempore*. That clause was contained in the California amendment as offered.

Mr. COCKRELL. Now let the two provisions be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from California will be read, as well as that proposed by the Senator from Michigan.

The Chief Clerk read the amendment adopted as section 6.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois to the amendments made as in Committee of the Whole.

The amendment to the amendments was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendments made as in Committee of the Whole as amended.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD LAND GRANT.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business.

Mr. SLATER. I now ask that the regular order of business be laid aside informally that I may call up the bill I introduced on Monday last.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the pending order be laid aside informally, and that the Senate take up for consideration the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound.

and to restore the same to settlement, and for other purposes. Is there objection to the proposition of the Senator from Oregon? The Chair hears no objection, and the bill is before the Senate.

Mr. SLATER. Mr. President, there is hardly any question which is at this time attracting more attention among the masses of the people than the forfeiture and restoration to the public domain of the unearned land grants so improvidently made by Congress in former years. In certain classes and in many localities this question of forfeiture is paramount and overshadows and obscures all others. And it is quite natural that it should be so. It is only too apparent that within the past decade the area of public lands available for settlement is rapidly diminishing, and just in proportion as the public lands suitable for settlement diminish the improvident and wasteful prodigality of the bestowal of so many millions of acres of public lands upon great and grasping corporations is made apparent. By this improvident bestowal of the public lands upon corporations they have been tied up and monopolized by being placed beyond the easy reach of the pioneers in search of homes for themselves and children.

It is not a question of revenue to the Government; that is not needed. It is a question of homes for the people; and just in proportion as the Government has bestowed the public lands upon corporations in that ratio it has violated its trust and restricted the people in their just opportunities and facilities of acquiring homes and land. In these two things, homes and land for the people, is largely bound up the welfare of the country in the future. Any policy that places needless restrictions or obstacles in the way of the people acquiring land for homes from the public domain strikes the best interests of the country in a most vital part.

It was a most unfortunate mistake for the best interest of the people, whose circumstances and lot in life make them seekers of homes upon the public domain, when the Government was lured into the policy of making extensive grants of land to corporations to aid in the construction of railroads. To many this policy has proved an unmixed evil. Thousands upon thousands have been robbed of years of toil and the homes they sought to secure for themselves and children. It has been the fruitful source of litigation between the corporations and the settlers, and has led to bitterness and popular discontent widespread and deep-seated.

I do not undervalue the necessity and importance of railroads, nor do I overlook the fact that in many instances where grants were given some sort of governmental aid was necessary to secure an early construction of these roads, and that an early construction of some of these roads was necessary not only as a means of opening the country to settlement, but also necessary in a governmental point of view to enable the Government to subdue Indian tribes and give ample protection to the frontier settlements, and also to bring remote sections of the country into more ready communication with older centers of population and business.

But I repeat, it was most unfortunate that the aid devised should have been the granting of vast and valuable tracts of the public domain, the patrimony of the people, whereby the home-seekers have been placed at the mercy of these soulless corporations and compelled to pay exorbitant prices for lands in a new country.

By a late report of the Commissioner of the General Land Office it appears that there have been certified to States and corporations 48,745,941 acres, which were granted in aid of railroads, wagon-roads, and canals. These lands, so far as sold, have averaged about \$5 per acre, or double the price at which the adjacent sections of Government lands were sold, or four times the minimum price of Government land, and to the extent of this difference the home-seekers have been compelled to pay of their limited means into the coffers of these corporations.

Mr. President, the growth, progress, and development of the United States in the century of its existence since the close of the Revolutionary struggle is the most remarkable instance of the growth, development, and progress of any people in ancient or modern times. And if we search for the cause of this marvelous growth and development and to which it may be most directly referable we shall find that next to our free institutions our public-land policy has contributed most to these great and astonishing results.

As a part of the results of the Revolutionary struggle the new nationality came to the possession of a vast domain of the most fertile lands. In the progress of events, as we followed the lead of our manifest destiny, still larger acquisitions followed in the purchase of Louisiana, and later by further acquisitions from Mexico. Upon these lands it early became the policy of the Government to invite settlement upon the most liberal terms and conditions; so that all who desired could, if they had the energy and pluck, acquire a home and land in their own right.

As time ran on the policy of the Government grew more and more liberal, and the land laws were steadily improved and liberalized in the interest of the settler until that policy developed into its crowning act, the homestead law, the wisest and most beneficent of them all. Under this policy our people became the holders of land in limited quantities, planted as it were in the soil; the wisest and safest condition for any people, the one condition most conducive to the perpetuity of free institutions.

As a result of this policy the last census discloses that in 1880 there were 4,008,907 farms in the United States, averaging 134 acres to the farm; that of this number of farms 74 per cent., or 2,984,306, were cultivated by the owners thereof, and 26 per cent., or 1,024,601 farms, were cultivated by tenants. The total number of acres of improved lands embraced in farms was 284,771,042. The average number of acres of improved land in each farm was 71 acres, and of unimproved land 62.7 acres. The total of improved and unimproved lands embraced in farms was 536,081,835 acres. There were employed on these farms 7,620,493 persons, or 44.1 per cent. of all occupations in the United States.

For seventy-eight years, counting from the close of the Revolution, the public lands of the United States were regarded as a sacred trust, and were administered by the General Government, no matter what party for the time being held the reins of administration, as a trust, with a jealous care for the interests of the people who were ultimately to make homes thereon. It is true, sir, they were not given as homesteads to settlers, but they were placed within the easy reach of all on such terms as all could readily comply with and by complying acquire land and homes. During that period not one acre was ever given to a corporation for any purpose.

The new States which were carved out of the public domain were aided by grants of land to assist them in making internal improvements, but these grants were to be administered by the respective States to which they were made, and each State had the power to control the final disposition of the lands granted in such manner and upon such terms and conditions as they might think best, not inconsistent with the original grant, and it was fully and fairly assumed that these grants would be so administered as to prevent injury to the people of the States seeking homes upon these granted lands. These grants were very restricted in amount, not exceeding in any case more than the alternate sections for six sections in width upon either side of the road to be constructed. The entire concessions of land to the States from the commencement of the Government to March 4, 1861, for railroads and canals amounted, all told, to 31,600,846 acres.

In 1861 there came a change in the administration of the country. The Democratic party was driven from power and its place taken by the Republican party. The causes leading up to this change of party administration I need not discuss now, but among the charges that were brought against the Democracy was one that the Democracy had fostered corruption and extravagance in the administration of the Government and had squandered the patrimony of the people by extravagant grants of the public lands for internal improvements in the several States. One of the earliest resolves of the Republican party was as follows:

Resolved, That the public lands of the United States belong to the people and should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the people and should be granted in limited quantities, free of cost, to landless settlers.

Among the public acts of Congress passed soon after the accession of the Republican party to political power was the homestead law, for which that party never fails to take to itself great credit, taking to itself exclusively the honor of having by the passage of this law given to every one who will avail himself of it one hundred and sixty acres of land without money and without price; and yet, Mr. President, the idea of a general homestead law was of Democratic parentage. Homestead bills had been advocated in prior Congresses, but the act was finally pressed to a passage May 20, 1862, in the second year of Republican ascendancy. I am not disposed to belittle the part the Republican party performed in the enactment of this law, for it is the only redeeming spot in all its acts and doings in the administration of the public lands, that I know of, in the record of that party since it came into the control of the Federal administration.

Why, sir, within about forty days of the passage of this homestead law, for which that party has so often congratulated the country and glorified itself, this same party, upon whom rested the assurance given to the country in the most solemn form that the public lands should be "sacredly held and administered as a trust for the sole benefit of the people, not to be sold for money or granted to corporations, but granted in limited quantities free of cost to landless settlers," granted by act of Congress to corporations 28,442,766 acres of the public lands. These concessions were made in one day, the 1st day of July, 1862, and in less than three years from that date the concessions made by that party, having the control of Congress, to corporations alone, exceeded 80,000,000 acres, including the 28,000,000 granted on July 1, 1862.

Thus in the first four years' lease of power the Republican administration granted to corporations alone almost three times as much of the public lands as had been granted to the several States to aid them in internal improvement during the previous seventy-five years' existence of the Government. But the mismanagement of the public lands did not stop with its first term of four years, but continued up to about the time when the Democracy regained control in the other branch of Congress in 1875. I find, Mr. President, a table in a speech delivered in the last Congress in the House by Hon. WILLIAM S. HOLMAN, of Indiana, showing the concessions of public lands to aid in the construction of railroads and

for other purposes granted between the 4th of March, 1861, and June 30, 1874, which I believe to be approximately correct. It is as follows:

Statement exhibiting land concessions by acts of Congress to corporations for railroad, canal, and military wagon-road purposes from March 4, 1861, to June 30, 1874.

State.	Date of laws.	Names of roads and canals.	Acres granted. <i>a</i>
Arkansas.....	July 28, 1866	Cairo and Fulton.....	1,040,000.00
	July 28, 1866	Memphis and Little Rock.....	865,539.00
	July 28, 1866	Little Rock and Fort Smith.....	458,771.00
	July 4, 1866	Iron Mountain.....	864,000.00
Missouri.....	July 28, 1866	Cairo and Fulton.....	182,718.00
	July 4, 1866	Saint Louis and Iron Mountain.....	640,000.00
Iowa.....	June 2, 1864	Burlington and Missouri River.....	96,646.55
	June 2, 1864	Chicago, Rock Island and Pacific.....	160,991.23
	Jan. 31, 1873	Act to quiet the title to certain lands in the State of Iowa.....	1,298,739.00
	June 2, 1864	Cedar Rapids and Missouri River.....	356,983.00
	May 12, 1864	McGregor and Mississippi River.....	1,536,000.00
	May 12, 1864	Sioux City and Saint Paul.....	624,800.00
Michigan.....	June 7, 1864	Grand Rapids and Indiana.....	531,200.00
	Mar. 3, 1865	Bay De Noquet and Marquette.....	128,000.00
	July 5, 1862	Chicago and Northwestern.....	564,480.00
Wisconsin.....	Mar. 3, 1865	West Wisconsin, formerly the La Crosse and Milwaukee.....	
	Mar. 3, 1873	An act to quiet the title to the lands of settlers claimed by West Wisconsin Railway Company.....	1,205,600.00
	May 5, 1864	Saint Croix and Lake Superior and branch to Bayfield.....	883,737.74
	May 5, 1864	Wisconsin Central.....	1,800,000.00
Minnesota.....	Mar. 5, 1865	Saint Paul and Pacific, Brainerd branch.....	1,475,000.00
	Mar. 3, 1871	Saint Vincent, extension of Saint Paul and Pacific.....	2,000,000.00
	May 5, 1864	Lake Superior and Mississippi.....	920,000.00
	July 4, 1866	Southern Minnesota.....	735,000.00
	July 4, 1866	Hastings, Dakota.....	550,000.00
Kansas.....	Mar. 3, 1863	Leavenworth, Lawrence and Galveston.....	800,000.00
	Mar. 3, 1863	Missouri, Kansas and Texas.....	1,520,000.00
	Mar. 3, 1863	Atchison, Topeka and Santa Fé.....	3,000,000.00
	July 23, 1866	Saint Joseph and Denver City.....	1,700,000.00
	July 25, 1866	Missouri River, Fort Scott and Gulf.....	2,350,000.00
Corporations.....	July 1, 1862	Union Pacific.....	12,000,000.00
	July 1, 1862	Kansas Division.....	6,000,000.00
	July 1, 1862	Denver Division.....	1,100,000.00
	July 1, 1862	Central Branch Union Pacific.....	245,000.00
	July 1, 1862	Central Pacific.....	7,967,600.00
	July 1, 1862	Western Pacific.....	1,100,000.00
	July 25, 1866	Oregon Branch.....	3,724,800.00
	July 1, 1862	Sioux City and Pacific.....	41,318.00
	July 2, 1864	Northern Pacific.....	46,947,200.00
	July 27, 1866	Southern Pacific.....	11,964,160.00
	July 27, 1866	Atlantic and Pacific.....	49,244,803.00
	May 4, 1870	Oregon Central.....	3,701,760.00
	Mar. 3, 1871	Texas and Pacific.....	15,000,000.00
	Mar. 3, 1871	New Orleans Pacific.....	903,218.00
		Total number of acres granted to railroads.....	190,030,064.52

GRANTS FOR ROADS AND CANALS.

Wisconsin.....	1863 to 1870.....	Wagon roads.....	302,930.36
Michigan.....	1863 to 1870.....	do.....	221,013.35
Oregon.....	1864 to 1869.....	do.....	1,888,600.00
Wisconsin.....	Apr. 10, 1866	Breakwater and harbor ship-canal.....	200,000.00
Michigan.....	Mar. 3, 1865	Portage Lake and Lake Superior ship-canal.....	200,000.00
	July 3, 1866	do.....	200,000.00
	July 6, 1865	La Belle ship-canal.....	100,000.00
			3,112,543.00

a Estimated.

RECAPITULATION.

Grants to railroad corporations.....	190,030,064.52
Grants for roads and canals.....	3,112,543.00
Total.....	193,142,607.52

From this table it will be seen that these concessions made in a little less than fourteen years amounted to 193,142,607 acres; and of this amount more than 160,000,000 acres were given outright to corporations, which have always been and are to-day the main support of the Republican party in all its political campaigns. And yet, sir, at each succeeding election, Congressional and other elections, the Republican party has held up to the people as one of the chief reasons why it should have a vote of confidence in the election of its candidates that it had secured the passage of the homestead laws, while it had by these grants put vast tracts of the public lands beyond the reach of the operation of these same homestead laws, and continued to make further grants after each election until there came a change in the other branch of Congress by the return of a Democratic majority, since which time no further grants have been made and none have been increased or extended.

These concessions have been the fruitful source of scandals in and out

of Congress; they have brought distrust upon every department of the Government charged with the administration of the land laws of the country. So great has this distrust come to be that among the people who have been seeking homes upon public lands it is boldly asserted that the influence of the railroad corporations dominate and control the rulings of the Land Department; and it is to the shame and discredit of the country that the accusation is too well sustained by facts which are not to be denied. The rulings of that Department have been so vacillating, so often changed, modified, or reversed, and so often made in the face of well-recognized principles of law as to suggest gross incompetency, or, what is worse, corruption and collusion.

The settled principles of law which require public grants to be most strictly construed against the grantee have been notoriously ignored in the construction given these grants by the Land Department, as is shown by numerous decisions. J. W. Le Barnes, one of the law clerks of the General Land Office, in his evidence before the Senate Committee on Public Lands in the Forty-seventh Congress, testifies as follows:

Q. Have the laws generally been literally construed in favor of the railroads?

A. Yes, sir. The principle of law applicable to public grants—that they ought to be construed strictly against the grantees—has not been observed, although the exceptions to the grant are very strictly ruled against.

Q. That is to say, that the grants have been construed very liberally to the grantee and against the settler?

A. Yes, sir.

In another part of his testimony this witness says, in speaking of the class of cases which come before the law clerks for their examination, as follows:

Q. Are these questions that go before you for adjudication such as are not satisfactory to the corporations interested in them?

A. It is the other way. The cases in which the decisions that have been made are satisfactory to the corporations are the ones that usually come before the law clerks' division.

Q. How is that?

A. In reviewing the office decisions the cases that may be thought to have been erroneously decided according to the views of the law division are usually those where the decisions are favorable to the corporations. It is not usual to make mistakes in favor of the settlers.

Q. It is in the revision of this class of work and the detection of what seems to you to be injustice toward settlers that the question arises?

A. Yes, sir; and in the same way where the interests of the United States are concerned.

And in speaking of the way in which contests between settlers and these corporations are brought up, heard, and determined, and before whom determined, this witness says:

Q. Before what tribunal, or what class of minds, are these questions heard in the first instance?

A. Before the clerks having that matter in charge.

Q. Before ordinary clerks?

A. Yes, sir.

Q. Do these counsel have access informally to these clerks in private conversation and otherwise, and endeavor to press their views upon these clerks with such means as they see fit to exercise upon them?

A. I think it has usually been the fact that the views of railroad attorneys and their constructions of the law have been fully impressed upon the minds of clerks acting upon cases in which the corporations are interested. The regulations prohibit conferences between attorneys and clerks except upon permission. Such regulations have not always proved effective, although they are now more strictly enforced than formerly. Attorneys have, however, full access to chiefs of division.

In his next answer this witness further says:

There are no formal hearings. The pressure brought upon clerks is the pressure of the power and influence of great corporations. If a case involving railroad interests adverse to a settler's right or to the public interest happens to come to the attention of the Commissioner before final decision the attorneys usually find it out and interview the Commissioner on the subject. They also look very closely after cases that may in the same manner come before the law clerk for his opinion.

From these statements of this witness it appears too plainly to be doubted that the rulings and constructions of the Land Department as between the land-grant corporations and settlers has been steadily and almost uniformly in the direction of enlarging the rights of these corporations by ignoring the settled principles of law that public grants ought to be strictly construed against the grantee and giving these grants the most liberal construction in favor of the railroads, and at the same time restricting by construction the exceptions and limitations contained in these grants to the narrowest limits possible. It is a little remarkable, Mr. President, that most of the mistakes in the rulings of the subordinate clerks of the Department are made against the settler. The witness says "it is not usual to make mistakes in favor of settlers." The converse, then, must be true, that it is usual for the subordinate clerks of the Department to make mistakes against the settlers. And this, sir, is just what is charged everywhere where the manner of the adjusting of these grants between railroad corporations and settlers are known and understood. And this is in every locality where these grants have been made and have had an actual existence.

Mr. President, in 1876 Congress passed an act for the purpose of furnishing a remedy for some of the most glaring wrongs suffered by settlers on lieu lands under the rulings of the Land Department, and the witness I have quoted from gives a most interesting account of how this law has been in the main defeated by construction in the interest of the railroads, as follows:

Q. I wish you to state any unjust or inequitable operation of the land laws such as might be remedied by statute, so that the entire system should work justice in different cases where it now works injustice.

A. It is not legislation that is wanted in all cases.

In reply to your general question I could refer to some lines of decisions which have caused injustice to settlers. In the case of *Gates vs. California and Oregon Railroad Company* it was held by the Secretary in 1878 (5 Copp., 150) that when a pre-emption settler was on land within railroad limits at the date of the attachment of railroad right and afterwards abandoned his claim or transferred his improvements to another the former pre-emption claim did not except the land from the grant, and that the subsequent settler purchasing this former settler's improvements or otherwise occupying the land after the former settler had abandoned it could not have his claim recognized.

The same rule had existed previous to the decision in the *Gates* case and prior to 1876 and had caused much complaint, as it was of wide application and affected great numbers of cases.

In 1876 Congress attempted to correct this and some other rulings of the Department by positive legislation. The act of April 21 of that year (19 Stat., 35) was a mandatory act, requiring the Department to recognize the validity of subsequent entries where land had been covered by former claims of the date of withdrawal of lands for railroad grants. This act did not have the effect, which was shown by the Senate debates to have been expected by the legislative mind. The *Gates* decision was rendered without reference to the act of 1876, and was afterward modified upon such fact being shown. But the unmodified decision appears to have been the rule usually followed in the Land Office down to a recent date. The regulations adopted by departmental concurrence or instructions and the rulings made under the act of 1876 had the effect in all cases to make the relief contemplated by that act difficult of availability and in most cases to render the act inoperative.

It was held, for example, that the act could have no prospective effect, because its language implied a past tense. Then it was held that it could have no retroactive effect, because that would be unconstitutional. Again, if a case arose that in the view of the office could be recognized as coming within the provisions of the act, the claim was rejected unless the party was careful to state that he expressly claimed it. A great many cases have been adjudicated in this way, and the parties who had an absolute legal right to their land under the indemnity provisions of the acts granting land for railroad purposes, and had such rights irrespective of the act of 1876, were defeated in their claims under the construction given to an act designed for their protection.

Mr. President, I have made reference to these facts for the purpose of showing some of the evils and abuses that have grown up under these railroad grants; for the purpose of calling attention to the fact that these evils and abuses are not confined to any particular grant, but are the usual and I may say inseparable concomitants of each and all of them. In Congress after Congress for the last twelve or fourteen years petition after petition has been presented here and in the other branch for a redress of these grievances or for relief from some of the oppressions and wrongs which have grown out of these grants, and in the main, sir, these petitions have been unheeded, or at least no adequate relief has been devised.

It is true, sir, we can not undo all that has been done; we can not reclaim all these vast areas of the public domain so improvidently and as I think unwisely given away; we can not interfere with vested rights which have been acquired under the terms of these various grants. But, sir, we may do something in the way of restoring to settlement so much of these grants as have not been earned by the construction of the contemplated roads within the time fixed in the granting acts for their construction or such further time as may have been granted for that purpose. The life of each and all of these grants has long since expired. In fact, sir, by the delay of Congress in not promptly acting in this matter and so legislating that as soon as the time fixed in these grants within which the road contemplated might be completed the lands embraced in the grants should be restored to settlement, the right of Congress to act in that direction has become more and more complicated and embarrassed with difficulty.

By the report of the Secretary of the Interior made to the Senate in answer to its resolution of December 18, 1883, I find that by these delays more than 56,000,000 acres of land are involved in the question as to whether in case of a forfeiture lands earned after the life of the grant and before forfeiture declared can be reached by such an act. Thus, sir, while Congress has stood silent and inactive these 56,000,000 acres have been swept beyond the reach of your boasted homestead laws, and doubtless grasped securely by these great and relentless corporations. And by the same report already referred to I find that the uncompleted portions of these several railroads call for more than 65,000,000 acres of the public lands, all of which is most certainly within the power of Congress to reclaim to the public domain and to settlement. This can be done. These lands can be restored to settlement and brought within the reach of the homestead and other laws respecting the occupancy, sale, and settlement of the public lands. Shall it be done? For myself I have no hesitancy in declaring that every consideration of sound public policy requires that these lands should be declared forfeited and restored to settlement at once. This session of Congress ought not to adjourn until this is done.

Mr. President, the grant to the North Pacific Railroad Company, made July 2, 1864, and subsequent acts and resolutions was by far the most valuable grant ever made to any corporation. It was enormous in extent and covered far more valuable lands than any of the later grants. It embraced vast areas of the best agricultural and grazing lands, large and extensive bodies of coal lands, while extensive portions of the grant are covered with dense forests of the most valuable timber.

This corporation earned in the lifetime of the grant 10,039,459 acres of land, and has earned since the expiration of the life of the grant 29,851,101 acres, and in all 39,890,560 acres, and the uncompleted portion of its road calls for 7,056,640 acres more. The original act contemplated a through line of road from Lake Superior to "Puget Sound, with a branch via the valley of the Columbia River to a point at or near Portland, Oregon."

By the joint resolution of May 31, 1870, the main line was changed to Portland and the branch from some convenient point on the main trunk across the Cascade Mountains to Puget Sound. During the fall of last year connection was made on the main line from its eastern connections to Wallula, in Washington Territory, about two hundred and twenty miles eastward from Portland, and it also completed its line from Portland to the sound, the gap from Wallula to Portland having been filled by the construction of a railroad by the Oregon Railway and Navigation Company without aid from the Government. It is not now pretended that the Northern Pacific even contemplates the construction of a road at any time in the future down the Columbia River. Here, then, are 2,500,000 acres of land about which there can be no question as to the propriety of restoring to the public domain. The road has not been built and never will be. The necessity for it has been fully supplied by the construction of the Oregon Railway and Navigation Company's road from Portland to Wallula; and the necessity having ceased or been removed, the grant should be terminated at once and these lands restored to settlement.

But, sir, it is claimed on behalf of this corporation that the original act making this grant dedicated absolutely all these lands to the purpose of the construction of this road, and that the Government is absolutely estopped from forfeiting an acre of them unless it shall take upon itself to complete both the main line and the branch road. Nay, more, sir; it is claimed by virtue of the resolution of May 31 that under the right to mortgage there given the mortgagee has the right to sell these lands, although the road should never be built. The ninth section of the original act is as follows:

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

This section is cited by the attorneys and agents of this corporation for the purpose of showing that no right of re-entry was reserved or contemplated in the act, and to negative the plain and unquestioned import of the terms and conditions of the preceding section. But it does not negative either in terms or by implication the force or effect of the conditions of section 8. It adds another condition which the company is to accept, and reserves a right to the Government not found in the preceding section. This further condition is, that if the said company make any breach in the conditions hereof (and these conditions are found in section 8) "and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

That is to say, if the company failed to commence the work in two years from the approval of the act, or failed to complete fifty miles each year after the second year, and allowed such failure "to continue for upward of one year," then the Government might interpose in the way indicated, although within the time in which the grant was to run, or, if the company failed to complete the entire road in ten years and suffered that failure to continue for a year, the Government could not take advantage of such failure to forfeit the grant or for any other purpose until the full time of one year and more had elapsed. That, sir, is all there is of section 9. The Government assumed no new or additional obligation whatever, and did not surrender the right of re-entry for condition broken, which certainly existed under section 8.

The resolution of May 31, 1870, gave the consent of Congress to the company to issue bonds and mortgage "all its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchises as a corporation," which consent had been expressly withheld in the original act. A part, and the principal part, of the property of the company was its grant of land, which though a grant *in presenti* was based upon conditions to be subsequently performed. The consent to mortgage did not change the character of this grant either in terms or by implication. The company could convey by its mortgage no higher or better title than it possessed, a title subject to be defeated if the conditions upon which it rested were not performed.

The passage of this resolution was simply the exercise of the legislative power reserved in the original act and it must be construed in connection with that act, and so construed as to give each and all of the provisions of both their proper and legitimate force and effect unless there are provisions so different and conflicting that both can not stand. The resolution is not a repealing act and can not be so construed; it is an amendatory act, and as such changed in terms some of the provisions of the original act, restricts some and enlarges others, but in no way changes or modifies the conditions upon which the grant was originally given. To construe the consent given in this resolution to the company to mortgage its property and rights of property into a waiver of a performance of the conditions upon which the grant was made, so as to estop the Government from a re-entry for condition broken, is to import into the resolution terms not found in it and which are negated by all the circumstances of the case and by every fair and reasonable implication arising upon the resolution when viewed in connection with the original act.

Why, sir, if this construction is to be accepted, then we have the Congress of the United States placed in the position of having put itself and the Government in the position of granting 47,000,000 acres of the public lands in such a loose way that the corporation to which the grant was made had only to execute its mortgage, survey a line so as to locate the grant, go into insolvency, allow the mortgage to be foreclosed and the lands sold without doing a single substantial act toward the construction of the road. Congress has done many foolish acts, but none so absurdly foolish as this. At least, sir, I am unwilling to believe that even a Republican Congress was so blindly stupid as such a construction would imply.

A plea is also put forth that the North Pacific Company has met with reverses, that it has expended vast sums of money in the prosecution of the construction of this road in the face of the greatest difficulties, and therefore the Government ought to be lenient and merciful. In one breath it talks defiance and clutches with an avidity known only to the proverbial grasp of corporations every acre of the 47,000,000 covered in the original grant and tells the Government that it is estopped from re-entry; in the next breath it is suppliant and pleading to be let alone.

Why, Mr. President, no other corporation has been so enriched by Government as this. In round numbers its earned lands amount to 40,000,000 acres, which at a very low estimate will realize to the corporation at least \$100,000,000. It has already received over \$11,000,000 from the sales of these lands. Its coal lands on the sound, already earned, are stated to be worth an enormous sum. So valuable are they, that the company absolutely refuses to sell them at any price.

A local paper, the Tacoma Ledger, a paper entirely friendly to the company, in speaking of and describing only a portion of these lands, does so as follows:

In the bituminous coal-field bounded as above described are 1,500 square miles of land—that is, 1,500 of both odd and even numbered sections, or 960,000 acres. As the railroad company owns the odd-numbered sections, it has in this field one-half the above, or 480,000 acres. This, valued at the low rate of \$20 per acre, the Government price for coal lands within railroad limits, would amount in value to \$9,600,000. We do not think it extravagant to venture the statement that the sum last named underrates the value of the company's coal lands in Western Washington to the extent of representing not more than one-fourth of their real value. Nevertheless, take the Government price for it; and still there is a very important item to add. This belt of coal lands embraces the most heavily timbered region of like extent in the world. Monster fir and cedar trees, many of them from six to nine feet in diameter and from 300 to 400 feet in height, cover the earth so thickly in many parts that standing in their midst the range of vision is confined within a few hundred feet on all sides as by a dense wall of wood. A very low estimate places the measurement of such forests at 60,000 feet to the acre, worth 75 cents per thousand, for this material is extra clear and good. That is \$45 per acre, or \$21,600,000 for the value of the timber on the railroad company's 480,000 acres of coal lands. Let this be added to the \$9,600,000 and we have \$31,200,000 as representing the value of coal and timber in and on the line of the Northern Pacific Railroad Company's coal lands in Western Washington exclusive of the lignite belt.

This estimate is very likely overdrawn, but it can not be doubted that these lands are of very great value even now, and as the country develops will become vastly more so. But, sir, whatever may be the facts as to the hardships and financial disasters and other difficulties this corporation has had to encounter, and whatever may be the facts as to the real value of the lands earned, there is another side of this question that deserves the most thoughtful and careful consideration of Congress, and that is the side of the question that faces toward thousands of settlers already on these lands or who are waiting to go upon them to get homes for themselves.

The company appeals to Congress for leniency. Sir, has it been lenient to the thousands of settlers along the line of its road whose rights have come in conflict with company interests? Let the records of the land offices all along the line of the road and in the General Land Office in this city answer. No, sir; the settler everywhere has been pushed aside and his rights for the most part have been disregarded and overridden in the administration of this grant as in all others. This has been particularly true of settlers on what is known as lieu lands. And here the Department all along has manifested its willingness to serve this company by the manner in which from time to time it has withdrawn these lands in advance of the time when any rights of the company could attach to them, and refused to allow homestead, pre-emption, or other entries to be made upon the odd-numbered sections in the lieu limits; that is, in the ten-mile belt outside of and beyond the limits of the grant in place. These withdrawals were wholly without authority and wholly in the interest of the company, and of course wholly adverse to the rights and interests of the settler. Of course it was one of those mistakes which the witness Le Barnes refers to which are so frequently made in the interest of corporations and against the settler.

In 1869 this company invited settlers to go upon their agricultural lands west of the Missouri River, and promised that each settler who settled on these lands in advance of the construction of the road should be entitled to purchase them at \$2.60 per acre. Thousands accepted the proposition and settled on the company lands and improved them. This was particularly the case in the eastern part of Washington Territory and through Montana and Northern Idaho. The past fall and winter, the road having been completed through these sections, the agents of the company began the work of classifying and appraising the

lands claimed by the company. The lands upon which settlers had gone and improved and made valuable before the road was built were appraised at from \$4.50 to \$15 per acre. These same settlers who had taken the company at its word and settled these lands were told by these agents that if they were not ready or willing to come to terms others would be glad to purchase their lands. A very worthy and truthful gentleman, writing to me from Walla Walla under date of February 11, 1884, says:

The time seems to have come for the great anaconda (Northern Pacific Railroad Company) to draw its deadly coil about the necks of the settlers who have unwittingly placed themselves within its reach. The "indemnity" lands have been selected in this land district and the selections are thrown upon the market at prices ranging from \$4.50 to \$15 an acre, a price that is distressing to those who are yet under the burdens of opening up this wilderness country. Had the company opened up this country as it was expected it would there would be some foundation for such prices, but as it is it seems to me they are an extortion. On January 1, 1880, the company sent out a circular declaring that the agricultural lands west of the Missouri River would be sold to actual settlers at \$2.60 an acre. In view of this many went onto these lands and now have valuable improvements, and now to obtain title to their labors they are compelled to pay these high prices.

Any one can see at a glance the injustice of this; but what can a man do? Many of us have our fall crops on these lands, and to let them go back and be sold to others is ruin, and to hold on and pay the prices demanded will lay burdens on the people that will retard the development of this country for years. Is there nothing that can be done? * * * We, the people, regret to complain, but what are we and our little ones to do? Here we have settled and are trying to make this wilderness blossom. But, oh! the burdens are more than we can bear, and must it be so that our own beloved Government can see us thus crushed and not raise its voice against the destroyer, saying, "Thus far shalt thou come and no farther?" Can no compromise be effected that will at least deliver us in part? * * * We do not ask a sweeping forfeiture, but we do think it ought to be cut down and restrictions placed on the price of occupied lands.

Such is the complaint that has come up all along the line of this road in Eastern Washington and Montana. It is the old complaint, that has been made under every one of these grants, and will continue to be heard so long as the lands included in them are being settled. It is proper that I should state in connection with the letter from which I have quoted that recently the North Pacific Company has ordered that all lands settled on prior to some time in 1882 should be sold to the actual settler at \$2.60 per acre for one hundred and sixty acres, cash down, or \$4 per acre on time. This is to that extent a relaxation for which due credit must be given. But the lands referred to in the letter are lieu lands forty miles and more away from the main line of the road, the Government price of which is \$1.25 per acre.

This company is not entitled to leniency; all it can claim is the letter of the law, and that is all Congress ought to allow it to receive. A forfeiture of the unearned lands of its grant ought to be declared at once; and if the 29,851,101 acres which it is claimed have been earned since the life of the grant ended can be reached at all, I would be willing to confirm them to the company upon conditions that all the agricultural lands should be sold to actual settlers only at \$2.50 per acre and in quantities of one hundred and sixty acres to each settler. This would be some approach to justice and equity.

But I have been unable to satisfy my mind that these lands are in any sense within the reach of any legislation by Congress for any purpose. That portion of the road to which these lands are adjacent having been received by the President under the provisions of section 4 of the original act granting lands to this company entitles the company to patents, and being so entitled, the fee to these lands has fully and finally vested in the company, beyond the reach of the Government. For this reason I have not sought in the bill to touch these lands, but have provided only for a forfeiture of the lands adjacent to the uncompleted sections of the road. Section 2 provides for saving the rights of persons who have settled or made improvements upon any of these lands with a bona fide intention of purchasing them of the company when earned, by allowing them, if not entitled to enter by homestead or pre-emption, to purchase one hundred and sixty acres at such price as may be fixed—I should say \$1.25 per acre; certainly, not more than \$2.50 per acre.

The third section provides that all lieu lands selected by the company upon which, at the time of the selection thereof, settlement has been made, the settler shall have the right to purchase the same, or one hundred and sixty acres, at \$1.25 per acre, and shall have one year to pay the price thereof. This, sir, is only simple justice. The adjacent lands are sold by the Government at \$1.25 per acre, and the company ought to be required to sell at the same price when it selects improved or occupied lands.

Mr. President, in presenting and urging the passage of this bill I am sustained by the sentiment of the State I in part represent and of the Territory of Washington approaching unanimity. In fact, sir, outside of a few towns and the city of Portland the demand for a forfeiture of these unearned lands is well-nigh universal, and it can not be doubted that the opposition to this forfeiture which does exist in that section is largely the reflected opposition of the corporation itself. But whether this be so in fact or not I can not overlook the fact that of the 250,000 people in the State of Oregon largely more than 200,000 are outside of its principal city, Portland, and it certainly is true that the rural population of any State or section are by far the most directly concerned and interested in questions of this character, and ought to have their interests consulted in preference to the special interests of a merely commercial population of one or two cities or towns; for at last, sir, the interest

of every city and town is best promoted and advanced by advancing and promoting the interest of the rural populations from which they must derive their own support.

I ask that the bill may be referred to the Committee on Public Lands.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be referred to the Committee on Public Lands if there be no objection.

Mr. DOLPH. A bill has heretofore been introduced by the Senator from Oregon upon the same subject as that covered by this bill, although it is more general in its scope and proposes the repeal of the charter of the company. As that bill is now before the Committee on Public Lands, I presume there is no reason for desiring an immediate reference of this bill, and with the consent of my colleague I ask that it may lie on the table for a few days.

Mr. SLATER. Certainly; I have no objection.

The PRESIDING OFFICER. There being no objection, the bill will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; in which it requested the concurrence of the Senate.

SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. WILSON. I move to add to section 42 the following additional proviso:

Provided further, That nothing herein contained shall be held to impair any bona fide lien which may attach to any part of a bankrupt's estate by the provisions of laws of the several States or Territories for work done, labor performed, or materials furnished upon or about said estate, whether the same be perfected or inchoate at the time the title vests in the trustee.

Mr. HOAR. I hope that will be adopted; it makes clear what the bill intends, and what, perhaps, on examination, it seems to me, may not now be sufficiently clearly provided for in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. WILSON].

The amendment was agreed to.

Mr. CONGER. I wish to call the attention of the Senator in charge of the bill to section 43, in regard to exempted property. I suggested yesterday to him for his consideration whether the exemptions here and the language in regard to them should not be modified somewhat, so that the property which is to be exempted should be made exempt from the inventory and report by more specific language, and whether there should not also be some exemption for immediate use, the exemption of school books, the library, as well as clothing of the family, and an exemption of provisions, as in our State laws.

If I understand this aright—and I do not make any motion in regard to it—this property is to be turned over immediately and the exemptions are to be declared by the court or by some officer afterward, so that everything is to be taken from the possession of the debtor in the first instance except "the necessary and proper wearing apparel of the bankrupt and that of his wife and family; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States, and such other as was so exempted by the laws of the State in which said bankruptcy proceedings are instituted at the time when the same were begun."

My point is that it may leave it open to the necessity of making the returns and inventory of this property and the order of the court to ascertain what should be redelivered to the debtor.

Mr. HOAR. The suggestion of the Senator from Michigan is a very important one, indeed, and I take some little blame to myself for not having attended to it in the drafting of the bill. The last bankruptcy law provided that the exempted property should not pass to the trustee; that is, the title never passed out of the debtor, for the very purpose of securing what the Senator desires. I see that this section is drawn so that the property does pass and must be returned.

I therefore will move, in consequence of the suggestion made by him last night, to strike out in line 2 of section 43, after the word "section," the words "and shall be set apart by the court of bankruptcy," and to add after line 11, in the same section, the words "said property so exempted shall not pass to the trustee," which will be the provision in the previous bill in substance.

Mr. CONGER. That is satisfactory.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be read.

The CHIEF CLERK. In section 43, line 2, after the word "section," it is proposed to strike out the words "and shall be set apart by the

court of bankruptcy;" and in line 11, after the word "begun," to insert "said property so exempted shall not pass to the trustee;" so as to read:

SEC. 43. That there shall be excepted and exempted out of the property mentioned in the preceding section, for the use of the bankrupt, the necessary and proper wearing apparel of the bankrupt and that of his wife and family; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States, and such other as was so exempted by the laws of the State in which said bankruptcy proceedings are instituted at the time when the same were begun. Said property so exempted shall not pass to the trustee.

Mr. CONGER. Let it read, "Said property so exempted or liable to be exempted."

Mr. HOAR. "Excepted and exempted" is the phrase at the beginning of the section.

Mr. CONGER. I presume that will cover it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. GEORGE. I desire to offer an amendment in the line of the one offered by the Senator from Iowa [Mr. WILSON], and with a view of perfecting the bill in the line indicated by that amendment. At the end of section 78 I move to add:

That no payment made or security given on a debt due any workman, mechanic, clerk, servant, or laborer for work, labor, or service done for any debtor shall be held an unlawful preference under this act.

I presume there will be no objection to the amendment.

Mr. HOAR. I do not see how we can provide by law that if a man fails and owes workmen and nobody else, he may have the power of preferring one against the others.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi will be read.

The amendment was read.

Mr. HOAR. The Senator will not forget, of course, that any payment made by anybody to anybody, unless it is intended to prefer, to give somebody something which he is not entitled to under this act, is not prohibited by it. It is only a payment with intent to prefer, and the bill has made a liberal exemption, which does not exist in the laws of most States (I do not know that it does in any State now), in favor of debts due to workmen and laborers.

This amendment goes further and provides that you may prefer one laborer or workman at the expense of others; that there shall not be among those meritorious persons a fair division; and that the debtor may make real or pretended payments. I will not say that it provides that he may make a pretended payment, but of course if it were merely colorable, under the Senator's amendment it would not be justified; but he may make preferable payments, so it be that the person preferred is a workman.

Mr. FRYE. Or a clerk.

Mr. HOAR. Or a clerk; his own clerk.

Mr. FRYE. He might pay his clerk \$500 which he owes him, and owe a hundred workmen \$5 apiece and cheat all of them out of it.

Mr. GEORGE. I deem the amendment which I have offered a very important one, and very essential to the protection of the interests of a large class of our people who are in the main unable to protect themselves through legal proceedings.

I can not understand the force of the objection constantly urged to my propositions of amendment that according to the theory of this bill no preferences are to be allowed. I want to change the theory of the bill, if that be its theory, as to this class of persons. We have a right to change it as to them, and I think it is our duty to change it. There is nothing obligatory upon us in passing this measure to make it consistent in all respects, so as to prevent us from doing justice to any portion of the people. In my judgment justice is better than consistency, or than any theory, however ideally perfect.

This amendment proposes to allow the debtor to do what we have already determined that the bankruptcy court shall do to a partial extent; that is, prefer certain persons. We have provided for preferences in this bill to be made by the bankruptcy court, and the sole question is now whether, in exercising our undoubted power and in performing our undoubted duty to prescribe preferences where they are proper, the class of persons indicated in the amendment are entitled to our consideration. I say they are upon every just ground, and that no substantial reason can be given why these parties should not have the preference provided for by the amendment.

In the first place, as I remarked when I first rose, they are a class of persons who are illy able to protect themselves in legal proceedings. In many of the States the court in which the bankruptcy proceedings are administered is at a long distance from the residence of these parties; small sums are due to them, and it will take a visit of a hundred or two hundred miles to secure the payment of these little sums, or it will require the employment of a lawyer, who may in these small cases charge them at least 50 per cent. of the amount to be received.

Again, these laborers are not the parties who have squandered the bankrupt's estate. They have taken no undue advantage of him by engaging him in contracts which have brought him to insolvency, but they have faithfully contributed their muscle, their hard labor, to the enlarge-

ment of his estate. They are dependent to a large extent upon the wages which they thus earn for their daily living and support and for the support of their families. In a case of that sort when a man is insolvent, when he has enjoyed the labor and the proceeds of the labor of these men and women, if he is willing, if he sees that in justice and in right these persons are entitled to consideration, this amendment allows him to give to them the little pittance which he owes them and which they have so hardly earned, without turning them over to the delay and cost of bankrupt proceedings.

These laborers ought to have their money. Many of them require it at the end of every week, and will suffer if they do not get it. If the bankrupt is not allowed to make payment, they may not receive their pay for six or eight months, besides being subject to all the costs attendant upon recovering it. I do hope that the Senate will show that much consideration to so large and meritorious a class of the community as to adopt the amendment.

Very little legislation, if any, has ever taken place in this body for the benefit of the class for which this amendment speaks. We grant donations to railroad companies; we grant advantages to banks; we concern ourselves with the great commercial, manufacturing, mining, and navigation interests of the country; but we rarely think of this class, at least if we do think of them we rarely put the thought in the shape of a statute which shall benefit them. They are the most helpless of all, and at the same time I may add the most essential to the prosperity and greatness of the country.

I do hope, sir, that the amendment will be adopted.

Mr. HOAR. The trouble with the Senator's amendment is that it does not do what he thinks it does, and it does something that he does not think it does. The preference over other classes of creditors of this class is amply secured by the bill already. Now the Senator proposes an amendment which is almost an insult to the laboring classes and not a benefit—an amendment by which men may be enabled to cheat other people. It provides that any preference, no matter whether it is over laborers, over other honest creditors or not, but any preference which a bankrupt debtor chooses to make to a clerk, workman, or laborer, not only for the wages or proceeds of his work or labor but for anything else, shall be protected; so that a bankrupt manufacturer or merchant has nothing to do but to distribute around among his confidential clerks and agents and employes any amount of his estate, and if he can make it appear that there has been something which was a binding debt contracted before that time between him and them, they are preferred against all honest workmen and against everybody else. However, I do not wish to prolong discussion upon the matter.

Mr. GEORGE. The answer of the Senator from Massachusetts will not hold good. In the first place, the amendment only authorizes the payment of valid debts; it does not authorize the payment of sham debts. If the Senator urges that under cover of this provision a fraudulent insolvent debtor in collusion with a fraudulent pretended creditor may make an arrangement by which other creditors will be defeated or defrauded, then that argument stands good against everything to be done under this bill, for in every instance fraud may intervene.

Mr. HOAR. Will the Senator allow me to ask him a question.

Mr. GEORGE. Certainly I will.

Mr. HOAR. Suppose a man fails and owes one hundred workmen \$100 apiece, which is a common occurrence in our part of the country, I am sorry to say. There is \$10,000. He has but \$5,000. Does the Senator think it just that he should pick out fifty of the one hundred and pay them their \$100 apiece and leave the other fifty unpaid? Does the Senator think that is just?

Mr. GEORGE. When you get through I will answer.

Mr. HOAR. I have gotten through.

Mr. GEORGE. It is very possible if that is all the estate he has that he ought to divide it out equally among all of them; but I should like to know how the payment of one-half of the creditors, the laborers, there being assets enough left for all the others to be administered by the court, can injure these others, especially if another amendment which I shall offer immediately after this is acted upon shall be adopted. That amendment is to the effect that in the priorities allowed under this bankruptcy act the claims of laborers shall precede the claims of all others, those of the United States, and of the States, and everybody else.

Mr. HOAR. The Senator said that when I got through he would answer my question. Allow me to remind him that he has not answered it. My question was whether, if a man had but \$5,000 of assets and he owed one hundred men \$100, all laborers, which would be \$10,000, the Senator thought it just that he should be permitted to pick out fifty of them and pay them in full and leave the others unpaid? That was the question I put.

Mr. GEORGE. That would not be just, as a matter of course.

Mr. HOAR. That is what the amendment allows.

Mr. GEORGE. But that is an extraordinary and unusual case—the supposition of a man having one hundred laborers and owing them all \$100 apiece and paying only one-half of them and having nothing left. He must have something to work on, he must have a factory or a plantation or something on which these men have worked. It is an almost impossible case to conceive that when he becomes insolvent he will not have assets enough to pay all his laborers at least.

Mr. HOAR. Then they all get their pay.

Mr. GEORGE. They might get their pay at the end of the bankrupt proceedings if enough was left to pay them. But that is a mode of argumentation to break down the amendment which is illegitimate. Now the question is whether we are to grant this power to the bankrupt to prefer his laborers; and if the Senator concedes that to be right and believes that in the exercise of this power he will not act fairly as between the laborers themselves, then let him offer an amendment that he shall divide as far as he can among these people pro rata and I will not object to it; but I insist that the great principle of the amendment shall not be broken down by the suggestion of, if not impossible, at least very improbable, contingencies.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. GEORGE. There is another amendment I desire to offer in the interest of the laborers. In section 72 I move to strike out "not exceeding \$100," in the fifth subdivision; so as to make the clause read:

Fifth. Wages due any workman, clerk, or servant of the bankrupt for labor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I desire to say in explanation of the amendment that I do not see any justice or equity in limiting the claim of the laborer who has contributed toward the estate of the party to \$100. If he ought to be paid he ought to be paid his full debt. He has worked for it; he has earned it; he needs it, his family need it, and there is no justice or equity in limiting him to the sum of \$100.

Mr. BAYARD. I think there is a great deal in the amendment to recommend it so far as the question of labor performed is concerned, because it carries with it the idea of that which is essential for the livelihood of the person who performs the labor; but if you allow this sum to be unlimited what is the consequence? The word "servant" might cover almost any employment; and it would certainly be a very well-paid servant who would have more than \$100 due him within six months.

Mr. HOAR. Allow me to suggest that it would include the service of great manufacturing establishments. I knew one that had \$21,000 a year who was merely a servant legally, and he had one day in the week to himself.

Mr. BAYARD. This bankruptcy might approach a time just when this payment was due, and the very value of the assets that were passed into the hands of the assignee for the benefit of all the creditors might be chiefly or in a large measure owing to the labor or the service of the persons whose interests we are now considering. I think if my friend will be satisfied by striking out "\$100" and inserting "\$1,000" he would reach all that he desires. I comprehend fully that he intends to protect those whose actual labor has been given to make more valuable the property which is set aside for the creditors, and that they who create that property should be paid out of that property, and that actual production in value should have rather more share of the assignment than the ordinary creditor, who probably had nothing to do with producing the value. Therefore I submit to my friend that he will gain votes for his proposition and I think he will reach the object designed if he will move to strike out "hundred" and insert "thousand" there.

Mr. HARRISON. Let me suggest to the Senator from Delaware whether the object would not be better accomplished by striking out any limitation as to the amount of money and leaving in the limitation, which we have already struck out, of six months' time.

Mr. BAYARD. Using the word "salary" or "payment," because the object is to prevent any cover under the name of "servant" for an unlimited amount of payment in full. I think the point is interesting and it ought to be settled.

Mr. HARRISON. Six months would certainly cover all arrearages.

Mr. BAYARD. I think the suggestion is a good one.

Mr. GARLAND. The bill as it now stands is an improvement on the former act. The former act had a limit of six months and of \$50. We have now struck out the six months and have put in \$100, and I think that is quite liberal enough. If you put it to the amount suggested by the Senator from Delaware, \$1,000, you see at once that you break down all hope of an equal distribution in many cases for the payment of the laborers' wages.

It would be very interesting for the Senate to look sometimes to see what different constructions the courts have placed on the sections of the old law in this respect as to who come within the definition of "laborers, clerks, and servants." In view of the construction the courts have placed on these terms we have gone quite far now in striking out the limit of time and limiting the amount to \$100 instead of six months and \$50, as in the former act.

Mr. INGALLS. Mr. President, I should be willing to have the wages of any laboring man, whenever performed and to any amount, exempt; but I should be unwilling to place such a limitation upon the language of this subdivision of the section:

Wages due any workman, clerk, or servant of the bankrupt for labor performed, not exceeding \$100.

Under that language the confidential manager of a great manufacturing corporation, or of a railroad, or of any other great commercial enter-

prise, having a salary far in excess of that paid to members of this body, would be entitled to receive whatever was due him in full as against the claims of other creditors. I do not suppose that the Senator from Mississippi contemplates that.

Mr. GEORGE. I do not.

Mr. INGALLS. I judge that his design is to permit the payment of wages earned by manual labor, and with that understanding I concur. I shall be very glad to support any amendment that will make the wages of a laboring man due from a bankrupt a paramount claim on the estate in full.

Mr. BAYARD. The Senator surely would not exclude other than manual labor. Clerical labor is just as hard and just as valuable.

Mr. INGALLS. That is very true; but still the situation is different. Of course all the debts are due in one sense; they all stand on an equal footing. If a man has incurred an obligation he ought to pay it, whether it is for wages or clerk-hire or merchandise.

Mr. BAYARD. Yes, but these debts tend directly to give value to the fund turned over.

Mr. INGALLS. Very true, and the same might be said about merchandise or about any other acquisition belonging to the estate, as money borrowed from a bank. All are just debts and morally ought to be paid in full. I should be unwilling to make any exemption except such as would apply to the wages due to a workman or laborer for manual labor performed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I am very anxious to have this amendment perfected so that it will receive the approbation of the Senate, so as to secure the laborers and workmen whatever may be due them and for whatever time. I am very willing to adopt the suggestion made by the Senator from Delaware, because I suppose that when the limit is placed at \$1,000 very little if any of the wages due to laborers would be lost to them; and yet I find—I did not draw this section of the bill—that the Senator from Kansas thinks that the word "servants" will include the confidential manager or agent or superintendent of a large corporation, whose salary may amount to \$5,000 or \$10,000 a year. Certainly I do not desire to give such a person an unlimited claim.

Mr. INGALLS. There are many confidential clerks who receive compensation fully as large as that.

Mr. GEORGE. I think the suggestion of the Senator from Delaware will about close out the objections, and so I will modify my amendment by withdrawing the proposition to strike out "not exceeding \$100," and move to strike out the word "hundred" and insert "thousand" in lieu thereof.

The PRESIDING OFFICER. The amendment is so modified. The question is on the amendment as modified.

Mr. HOAR. I hope that will not be adopted. It seems to me that the Senator from Delaware will see himself on reflection that giving a thousand dollars apiece, without limit of time, to everybody who comes under the designation of "servant," which includes a confidential clerk, an agent of a mill, and all the clerical service, is going too far. A person who has let his wages remain for more than six months, turned them virtually into a loan to the employer by letting them lay, is not a person who is poor or dependent for support of his family on his wages.

Mr. INGALLS. Suppose that they have been made a loan to the employer for six months because the employer has been unable to pay them in that period?

Mr. HOAR. Still they have been working along so that they have not been dependent for the immediate support of the family on the wages due from the employer, if the thing has been running more than six months, ordinarily. It seems to me that if the sentence should be something like this, "wages due any laboring man employed by the bankrupt," it would not be objectionable. I do not think that clerical servants ordinarily come within the class of persons who ought to be paid first. The clerical service has not created the fund. Usually the fund which pays the debts, which is distributed, comes from the materials, goods, supplies, stock which is furnished by some creditor, and the very property that he has placed on credit to the debtor is distributed among all this class of persons, and that is all the property there is.

Mr. BAYARD. The Senator is aware that this is no novel feature. There is scarcely a State in the Union, I suspect, in which upon the settlement of intestate estates there is not protection given for the wages of farm laborers and domestic service.

Mr. HOAR. That I am willing to put in; that is my proposition.

Mr. BAYARD. I know, but this law passes beyond that. It is not simply the settlement of a man's private affairs, but it is his commercial affairs, in which the labor of laboring men and of clerks and other people has been directly bestowed on the estate, and who are not in an independent condition to contract as other creditors are. That is the point, I take it, and that is the meaning of this advantage given to this class of dependent people. They are not in a position to contract voluntarily; they are carried along on their faith in the insolvent, and when the break-up comes they probably have been deprived of their means of subsistence by his struggles to maintain himself for the period of six months prior thereto. I can see that there is an obvious policy in that justice

which the world recognizes in favor of the helpless. That is what this amendment is meant for. It is not the open contract with a man upon his credit and ability to pay. It is that kind of contract which is dependent and upon which their labor has been given to make more valuable the property of the bankrupt.

Mr. HOAR. The Senator is debating a principle on which I agree with him. Nobody who has addressed the Senate has failed, neither the Senator from Indiana nor the Senator from Kansas nor the Senator from Mississippi nor myself, thoroughly to concur with all the Senator from Delaware states. What we are trying to get at is to accomplish that without injustice, without phraseology, which will include a large mass of persons who do not at all come within the management of the bankrupt's business. The clause limiting it to six months has already been stricken out without any considerable objection, and the question now is of providing for the class of persons whom the Senator speaks of, and not at the same time letting in business agents and managers who in the case of a large manufacturing or commercial establishment, especially of a corporation, will be the very persons responsible for the failure, men getting large salaries and whose name sometimes is legion. Take the case of a railroad—

Mr. BAYARD. But the amount proposed by the Senator from Mississippi excludes all that class. The sum of a thousand dollars for six months is only a salary of \$2,000 a year.

Mr. HOAR. It is not limited to six months. What I propose is to say the laboring men or workmen employed by the bankrupt, a phrase which will cover all the class of persons the Senator has described and will not include clerks or servants.

Mr. GEORGE. I am willing to agree to that as far as I am concerned, but I did not undertake to interfere with the language of the bill on this subject; I adopted the language as presented by the Senator from Massachusetts.

Mr. HOAR. Now, if the Senator will hear my amendment I think both Senators will agree to it. I am willing to say "wages due to any workmen or laboring men employed by the bankrupt."

Mr. FRYE. Leave out "man."

Mr. BAYARD. And "clerk."

Mr. HOAR. I would not put in "clerk." I think the clerk is generally an intelligent person who is able to look out for himself.

Mr. BAYARD. I confess my sympathies are as strong for him as for any kind of laboring man. The clerks are the worst-worked people I ever knew. They have all the responsibility and very little of the pay.

Mr. GEORGE. Strike out "servant" and leave "clerk."

Mr. HOAR. The word "servant" is the objectionable word.

Mr. GEORGE. Strike out "servant." I am willing to agree to that. I want to protect the laboring man.

Mr. INGALLS. I suppose house-servant was really intended there. That is the language employed in the bill of 1867.

Mr. HOAR. That is what was intended.

Mr. INGALLS. As used in this bill it is too broad.

Mr. GEORGE. Insert the word "domestic" before "servant," as is suggested by the Senator from Delaware.

Mr. FRYE. "Laborer" will do it.

Mr. GEORGE. Yes, "laborer" will do.

Mr. FRYE. Put it "workman, clerk, or laborer," and you will get it.

Mr. HOAR. Now I ask the Senator from Delaware to listen to this:

Wages due to any workman or laborer employed by the bankrupt, or not exceeding \$500 in amount to any clerk so employed.

Mr. GEORGE. The limitation now as to the amount applies only to clerks.

Mr. HOAR. No limitation of workmen or laborers either as to time or amount, and as to clerks it is \$500 in amount.

Mr. GEORGE. All right.

Mr. HOAR. I move to strike out the sentence and insert:

Wages due to any workman or laborer employed by the bankrupt, or not exceeding \$500 in amount to any clerk.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his amendment?

Mr. GEORGE. Yes, sir; I agree to the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. GEORGE. Now I move to transpose that clause as adopted so as to put it at the head of page 46, and that will also involve the renumbering of the subdivisions of section 72, so that the first shall be second, the second shall be third, the third shall be fourth, and so on. The object of this amendment is to give the wages due these laboring men priority over all other claims or demands whatever due to any person or the Government. We prefer them now to every individual. We only put the United States Government and the State governments ahead of them. I insist that it is not a very nice thing for the Government of the United States, rich and powerful, with an overflowing Treasury, with an unlimited power of taxation, in a race for a division of the bankrupt's little estate to seek to get ahead of his laborers and his workmen. I think it is a small thing for the Government of the

United States to enter into a contest with these laborers and actually to set them aside, tell them to go and starve until first the debts and demands of the Government are paid. I hope that there will be no objection to this amendment.

Mr. HOAR. The amendment moved by the Senator from Mississippi requires the laborers to be paid even before the expenses of settling the estate are paid, so that the estate would not be settled at all if these laborers were paid in this way.

Mr. GEORGE. Will the Senator allow me to interrupt him for a minute?

Mr. HOAR. Certainly.

Mr. GEORGE. The entry fee of \$60 has to be paid under the bill before any distribution is made. The party has to make that payment when he files his petition. As I understand the bill it takes that out of the assets and deposits it in the register's office or the commissioner's office or the clerk's office. As to the first clause, the $\frac{1}{2}$ per cent., that is a mere tax levied for the benefit of the Treasury of the United States. So I think the Senator's objection is not a good one.

Mr. HOAR. All the costs and charges of the proceedings, including the entry fee of \$60, are provided for in the second clause. The Senator proposes before any costs whatever (it might cost \$1,000 to collect the assets) are allowed that these laborers shall first be paid; so that I say he does in his amendment provide that this shall be paid to the laborers before the costs and charges are paid.

In the next place, there is not a State in the Union which does not prefer its own claim for taxes in the case of insolvent estates and in the case of the estates of deceased persons. The Senator's amendment makes class legislation if he provides that there shall be a certain class of persons in this country who shall be excepted from the universal rule of all governments, to wit, that the Government's claim for taxes, which are supposed to be necessary to its preservation, shall be preferred.

I do not want to make a long debate over all these amendments and weary the patience of the Senate. I hope the amendment will be voted down.

Mr. GEORGE. As to the position of the Senator from Massachusetts that we are violating a universal rule, I think he is correct. That is the very thing I want to do. I want to break down the universal rule which has prevailed not only in this country but in all governments, as he says, by which the government grabs of an insolvent's estate its share to the exclusion of the laborers who create what little the debtor has. I think we have no right to do such a wrong and injustice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. GARLAND. Let it be reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The CHIEF CLERK. It is proposed to change the order of subdivisions in section 72 so as to make the fifth subdivision the first subdivision.

Mr. GARLAND. The amendment now offered by the Senator from Mississippi is a good one. I say it is good because the Senate has approved an amendment he offered a few moments ago, and this is a logical sequence of that; there is no escaping from it. If we are to give the workmen and the laborers, by whatever name they are designated, by the former amendment of the Senator from Mississippi the great preference that we give them in that amendment, we ought to do the complete job and put them first. I think his amendment is a very logical and natural sequence of the first amendment we adopted, and therefore I shall support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The question having been put, there were on a division—ayes 16, noes 16—no quorum voting.

Mr. GEORGE and Mr. INGALLS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). Upon the bill and all questions connected with it I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent, and not knowing how he would vote upon any of the amendments, I have declined to vote upon any of them.

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. Not knowing how he would vote on this question, I withhold my vote.

Mr. PUGH (when his name was called). On the bill and all amendments I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WILLIAMS (when his name was called). I am paired on this question with the Senator from New York [Mr. LAPHAM]. I should vote "yea" if he were here.

The roll-call having been concluded, the result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Brown,	Farley,	Jackson,	Slaters,
Call,	Garland,	Jonas,	Van Wyck.
Cockrell,	George,	Morgan,	
Coke,	Hampton,	Ransom,	
Colquitt,	Harris,	Saulsbury,	

NAYS—23.

Allison,	Dolph,	Hoar,	Palmer,
Bayard,	Frye,	Ingalls,	Pike,
Blair,	Groome,	McMillan,	Platt,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Conger,	Hawley,	Miller of Cal.,	Sherman,
Dawes,	Hill,	Mitchell,	

ABSENT—36.

Aldrich,	Fair,	Logan,	Riddleberger,
Anthony,	Gibson,	McPherson,	Sabin,
Beck,	Gorman,	Mahone,	Sewell,
Bowen,	Hale,	Maxey,	Vance,
Butler,	Jones of Florida,	Miller of N. Y.,	Vest,
Camden,	Jones of Nevada,	Morrill,	Voorhees,
Cameron of Pa.,	Kenna,	Pendleton,	Walker,
Cullom,	Lamar,	Plumb,	Williams,
Edmunds,	Lapham,	Pugh,	Wilson,

So the amendment was rejected.

Mr. GEORGE. So as to obviate the objection made by the Senator from Massachusetts I move to insert the subdivision after the second clause, so that it shall be third in the order of priority.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Let us hear where it comes in.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The CHIEF CLERK. It is proposed to make the fifth subdivision the third, and to renumber the remaining subdivisions to conform thereto.

Mr. INGALLS. Will the Senator from Mississippi state the effect of his amendment?

Mr. GEORGE. The effect of it will be to put servants and laborers third in the order of priority, coming in immediately after the payment of the expenses of the bankruptcy proceedings.

Mr. HOAR. Above State or national taxation?

Mr. INGALLS. Paramount to debts and taxes due to the United States and to the State?

Mr. GEORGE. Yes, sir.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Mississippi.

The Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PUGH (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WILLIAMS (when his name was called). I was paired with the Senator from New York [Mr. LAPHAM], but I have transferred the pair to the Senator from Arkansas [Mr. WALKER]. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 24, nays 10; as follows:

YEAS—24.

Allison,	Farley,	Harris,	Palmer,
Blair,	Frye,	Ingalls,	Platt,
Call,	Garland,	Jackson,	Ransom,
Cockrell,	George,	Jonas,	Saulsbury,
Coke,	Groome,	Miller of Cal.,	Slaters,
Conger,	Hampton,	Morgan,	Williams,

NAYS—10.

Cameron of Wis.,	Hawley,	Manderson,	Sherman,
Dawes,	Hill,	Mitchell,	
Dolph,	Hoar,	Sawyer,	

ABSENT—42.

Aldrich,	Edmunds,	Logan,	Riddleberger,
Anthony,	Fair,	McMillan,	Sabin,
Bayard,	Gibson,	McPherson,	Sewell,
Beck,	Gorman,	Mahone,	Vance,
Bowen,	Hale,	Maxey,	Van Wyck,
Brown,	Harrison,	Miller of N. Y.,	Vest,
Butler,	Jones of Florida,	Morrill,	Voorhees,
Camden,	Jones of Nevada,	Pendleton,	Walker,
Cameron of Pa.,	Kenna,	Pike,	Wilson,
Colquitt,	Lamar,	Plumb,	
Cullom,	Lapham,	Pugh,	

The PRESIDING OFFICER. No quorum voting, the Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-two Senators answered to their names.

The PRESIDING OFFICER. The roll-call shows that there are forty-two Senators, being a quorum, present. The question recurs on the amendment proposed by the Senator from Mississippi [Mr. GEORGE], on which the yeas and nays have been ordered.

The Secretary again called the roll on agreeing to the amendment.

Mr. MILLER, of New York. I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "nay."

The result was announced—yeas 31, nays 10; as follows:

YEAS—31.

Allison,	Farley,	Hawley,	Palmer,
Blair,	Frye,	Hill,	Platt,
Brown,	Garland,	Ingalls,	Ransom,
Call,	George,	Jackson,	Saulsbury,
Cockrell,	Groome,	Jonas,	Sherman,
Coke,	Hampton,	Logan,	Slaters,
Colquitt,	Harris,	Miller of Cal.,	Williams,
Conger,	Harrison,	Morgan,	

NAYS—10.

Bayard,
Cameron of Wis.,
Dawes,

Dolph,
Hoar,
Manderson,

Mitchell,
Morrill,
Pike,

Sawyer.

ABSENT—35.

Aldrich,
Anthony,
Beck,
Bowen,
Butler,
Camden,
Cameron of Pa.,
Cullom,
Edmunds,

Fair,
Gibson,
Gorman,
Hale,
Jones of Florida,
Jones of Nevada,
Kenna,
Lamar,
Lapham,

McMillan,
McPherson,
Mahone,
Maxey,
Miller of N. Y.,
Pendleton,
Plumb,
Pugh,
Riddleberger,

Sabin,
Sewell,
Vance,
Van Wyck,
Vest,
Voorhees,
Walker,
Wilson.

So the amendment was agreed to.

Mr. HOAR. I suppose the Secretary will change the numbers.

The PRESIDING OFFICER. Of course the Secretary will note the amendment as it is agreed to and transcribe the subdivisions.

Mr. GEORGE. I am not restricted to any particular order in the sections in moving amendments, I understand.

The PRESIDING OFFICER. The whole bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GEORGE. In section 35, line 6, after the word "thereafter," I move to insert:

Before such order shall be granted by said court the judge thereof shall require such creditors to execute a bond, with such sureties as he may direct, conditioned for the payment of all damages and costs which the defendant may sustain in case said petition shall not be maintained.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I desire to make an explanation simply. The amendment which I offer restores the bill where it was as reported by the Senator from Massachusetts at the last Congress. It requires a bond to be given before any order putting the party into bankruptcy shall be obtained. That was a provision in the bill introduced by the Senator from Massachusetts at the last Congress, and this is a mere proposition to restore that to the bill.

Mr. HOAR. I am satisfied that the amendment ought not to prevail. It is requiring what is required of no other judicial remedy whatever, the giving of a bond in advance before the facts are heard. Very often the creditors whom fraudulent debtors seek to defraud are persons in humble life, are their own workmen, are persons of small means, and to require a heavy bond before a legal remedy should be allowed is contrary to our entire policy in all similar cases.

Mr. GEORGE. I might ask the Senator from Massachusetts if this provision is not proper why it was incorporated in the bill introduced at the last session and indorsed by him?

Mr. HOAR. It did not have my assent at the time. That portion of the section was drawn by somebody else and inserted in the bill. The Senator, on recurring to the debates of last session, will find that I expressed my objection to it then.

Mr. GEORGE. At all events it received so much of the indorsement of the Senator as was implied by incorporating it in a bill for our consideration which he introduced in the Senate. It is not an unusual provision. There are provisions in the bill as introduced by the Senator and now under consideration which require bonds. I think it is a very important provision. I do not think any man ought to be allowed to commence proceedings of this character, which are so damaging to the fortunes and credit of the defendant, without being sure that he stands on safe ground. He ought not to be allowed to bring merely speculative proceedings.

The mere fact that proceedings of this sort are commenced against a party destroys his credit; it impairs his energies. He can do nothing between the filing of the petition and the hearing of the cause. There may be mistrials, and it may be months before there is a final determination of the petition. It cannot be a hardship on the creditor. He ought to know what he is doing before he charges his debtor with fraud and institutes proceedings against him which will destroy him if successful and will greatly injure him even if it fails. Certainly it is no hardship, and I think it would be a very great omission on the part of the Senate to allow any citizen of this country, any man entitled to the protection of our laws, to be thus molested, and deprive him of a bond of indemnity against an improper and unfounded proceeding.

As is suggested by my friend before me [Mr. COKE], the reason for a bond in this case is much stronger than it is for an attachment bond. An attachment may be sued out against a man and he will be entitled to replevy the property at once. There is no charge of fraud, no implication against his character or standing as a man or as a citizen. I can not see but that the giving of the bond is a very essential and proper safeguard against the improper use of a very dangerous power granted by this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. GEORGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON]. I do not know how he would vote on this amendment, and I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Brown,
Call,
Cockrell,
Colquitt,
Coke,

Conger,
Farley,
Garland,
George,
Groome,

Hampton,
Harris,
Jackson,
Jonas,
Morgan,

Ransom,
Saulsbury,
Van Wyck,
Williams.

NAYS—20.

Allison,
Bayard,
Blair,
Cameron of Wis.,
Dawes,

Dolph,
Frye,
Harrison,
Hawley,
Hoar,

Ingalls,
Logan,
Manderson,
Miller of Cal.,
Mitchell,

Morrill,
Palmer,
Platt,
Sawyer,
Sherman.

ABSENT—37.

Aldrich,
Anthony,
Beck,
Bowen,
Butler,
Camden,
Cameron of Pa.,
Cullom,
Edmunds,
Fair,

Gibson,
Gorman,
Hale,
Hill,
Jones of Florida,
Jones of Nevada,
Kenna,
Lamar,
Lapham,
McMillan,

McPherson,
Mahone,
Maxey,
Miller of N. Y.,
Pendleton,
Pike,
Plumb,
Pugh,
Riddleberger,
Sabin,

Sewell,
Slater,
Vance,
Vest,
Voorhees,
Pike,
Walker,
Wilson.

So the amendment was rejected.

Mr. GEORGE. I think it is likely that the amendment I now propose to offer will be agreeable to the Senator from Massachusetts, and I call his attention to it. It seems to me an omission in the bill. In section 26 it is provided—

That at any time before or within three months after the adjudication, upon proof being made by affidavit, to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest said bankrupt, or supposed bankrupt.

Mr. HOAR. That section was not reserved.

Mr. GEORGE. In the same section there are provisions for the issue of warrants taking possession of the party's property, and then there is this proviso:

Provided, however, That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt shall issue unless the petitioning creditor execute and file with the clerk of the court a bond to the alleged bankrupt, &c.

The object of my amendment is to extend this provision for the bond to the issuing of the warrant for the arrest of the debtor.

Mr. HOAR. The Senator did not reserve an amendment to that section; but I have no objection for one to going back to it and to making the amendment. I think it is reasonable.

The PRESIDING OFFICER. The Chair stated some half hour since that the whole bill was in Committee of the Whole and open to amendment, not remembering at the moment the unanimous-consent rule under which the Senate was acting.

Mr. HOAR. I hope there will be no objection to this amendment.

The PRESIDING OFFICER. If there be no objection the amendment offered by the Senator from Mississippi will be received. Is there objection? The Chair hears none and the amendment will be read.

Mr. GEORGE. I fear I have lost it.

Mr. HOAR. I will suggest one which will cover it. Put in after the word "bankrupt," in line 25, the words "or requiring the arrest of his person," so as to read:

That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt, or requiring the arrest of his person, shall issue, &c.

Mr. GEORGE. That is it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 26, line 25, after the word "bankrupt," it is proposed to insert "or requiring the arrest of his person." The amendment was agreed to.

Mr. MORGAN. I desire to call the attention of the Senator from Massachusetts to section 107. As that section reads it seems to me it is the exercise of an unconstitutional power on the part of Congress:

Sec. 107. That this act shall not repeal or annul the laws of any State in force, or which may be hereafter enacted, in respect of insolvent debtors, except so far as the same may respect persons who are or may be within the purview of this act, and whose debts shall amount in the cases specified in the thirty-first and thirty-third sections thereof to the sums therein mentioned.

The point I desire to call the attention of the Senator from Massachusetts to is this: This section asserts the power of Congress to repeal or annul State legislation, and that, I apprehend, can not be the effect in any case at all. We can pass laws here providing a general and uniform system of bankruptcy, and those laws have their own constitutional effect, to be decided upon by the courts; but Congress can not assume to repeal an act of the Legislature or to annul an act of the Legislature of any State in this Union under any circumstances. I therefore think that the Senator will find it to the advantage of his bill to strike out section 107, inasmuch as it is an unnecessary section. The law has precisely that effect in cases of concurrent powers where the power of the Congress of the United States under the Constitution, when exerted, becomes supreme.

I have stated my point. I presume that the Senate comprehend the statement, and therefore I yield the floor.

Mr. HOAR. I understand that it has been settled that a law of the United States repeals and annuls, so long as it lasts, a State law on the subject of bankruptcy. It acts as a suspension. In the case of the Massachusetts insolvent laws, after the bankrupt law of 1867 passed they were suspended, and instantly revived on the repeal of the United States bankrupt law without any new legislation.

This language was drawn, I think I am not mistaken in affirming, by Chief-Justice Marshall. It was in the bankrupt law of 1800, and I know that some of the old bankruptcy legislation was drawn by him, and I think I am not mistaken in affirming that of this section, though I may possibly be. The effect of it is to show clearly that Congress did not mean to cover the whole ground. It might be claimed in the absence of this section—and that was the reason for putting it into the bill of 1800—that Congress meant to exhaust the subject of legislation for the purpose of distributing among creditors the estates of insolvent persons. There are certain classes of small creditors where it may be desirable still for the States by creditors' bills or by cheap hearings before judges of probate or in some other way to divide the whole property among the creditors.

In my judgment no United States bankrupt law that we have passed ever included railroad corporations, because a railroad is, in my opinion, an instrumentality of the power of the State. It has the power of eminent domain delegated to it to take land for the railroad to build the road, and it performs a great public function in providing a great public way for the people. That was held otherwise in the circuit court of New England by Judge Shepley under the old bankrupt law. This bill has not undertaken to go into that question, but to leave it to the courts to determine. It was intended by this section to declare that it was not to be understood that the States were prohibited from providing for any class of persons or any class of cases that we had not provided for, that were not within the purview of the act. I think on consideration the Senator from Alabama will see that the section had better stand.

Mr. WILSON. I suggest to the Senator from Massachusetts whether a modification of the section might not meet the object of the Senator from Alabama and still retain the section by amending it to this effect: In line 1 of the section strike out the words "repeal or annul" and insert the words "be held to suspend or affect the operation of."

Mr. HOAR. I have no objection to that.

Mr. WILSON. That would seem to me to avoid the force of the criticism of the Senator from Alabama, which is to the assertion of the right to repeal or annul State laws.

Mr. MORGAN. The object of this section of course is to restrain or restrict the effect of this act of Congress.

Mr. HOAR. If the Senator from Iowa prefers the phrase he suggests—it means exactly the same thing—I have no objection.

Mr. WILSON. It seems to me that it might meet the criticism submitted by the Senator from Alabama.

The PRESIDING OFFICER. The Chair would suggest that no amendment has been offered to the section.

Mr. WILSON. I will move, then, in order to meet the suggestion, to amend section 107 by striking out, in the first line thereof, the words "repeal or annul" and inserting in lieu thereof "be held to suspend or affect the operation of," so as to read:

That this act shall not be held to suspend or affect the operation of the laws of any State in force, or which may be hereafter enacted, in respect of insolvent debtors, except so far as the same may respect persons who are or may be within the purview of this act, and whose debts shall amount in the cases specified in the thirty-first and thirty-third sections thereof to the sums therein mentioned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON].

Mr. MORGAN. That amendment meets the constitutional objection I raised.

Mr. GARLAND. The suggestion made by the Senator from Alabama as to section 107 presents very singular and very curious questions. I do not think there is any doubt under the decision in the old case of *Sturgis vs. Crowninshield* that this section can not have any business in the law at all, and I was opposed to it in committee when it was presented. I have before me, however, the opinion in a very singular case of the Supreme Court during this winter, the case of *Boese vs. King et al.*, which came up from the court of appeals of New York, which brought up the alleged conflict between the bankrupt act of 1867, or what was left of it, and the insolvent act of the State of New York. The court, although not in express terms, came very near overruling the old decision of *Sturgis vs. Crowninshield*. It is true there was a divided court, it standing five to four, there being four dissenting judges in the case. They held that the insolvent act of New York of 1846 permitted the party to sue and take the benefit of the suit notwithstanding the bankrupt act of Congress and the pendency of proceedings under the bankrupt act. That is a very close question and one with the reasoning of the court in which I am not altogether satisfied.

I do not know that the amendment offered by the Senator from Iowa meets the real difficulty in the case. The section as it stands is protected by this decision of the Supreme Court which I hold in my hand; but the question comes now whether or not that decision, suppose we

accept it as the law, is better law than the decision in *Sturgis vs. Crowninshield*, which has stood so long in this country as acknowledged and conceded law. I would much prefer for one to stand upon the original proposition of the Senator from Alabama to strike out the section entirely so as to bring no difficulty about it.

Mr. HOAR. If the Senator will pardon me, this section was put in when the bill contained the boundary of the jurisdiction of the bankrupt act at \$500; that is, when no case under \$500 could be brought into the bankruptcy court. That has been changed by the Senate to \$300, so that the need of the section is very much less now than when the bill was introduced. I am quite sure I consulted the Senator from Arkansas himself on this particular matter and called it to his attention, and we both supposed that it might be convenient for the States to make some arrangement for distributing small estates themselves.

Mr. GARLAND. Yes.

Mr. HOAR. But on the suggestion of some Senator, against my original judgment, the jurisdiction of the bankrupt law was extended. I think it would be better now to leave estates, even to the amount of a thousand dollars, in the hands of the State Legislatures, because it would be very rare indeed that in so small an estate as that there would be debts due beyond the limits of the State which would require a discharge. But the Senate thought otherwise, and I did not make any great contest over that. I believe I consented to the amendment. That makes the section very much less necessary and important.

Mr. GARLAND. I agree with the Senator in that respect; but still it leaves something for it to operate upon. It was at my own suggestion that the Senate adopted the three-hundred-dollar limit instead of the five-hundred-dollar. But I can see in the position into which the matter is brought by the different conclusions of courts that we are going to have trouble upon this, and I do not think the amendment of the Senator from Iowa removes the difficulty. I believe the suggestion of the Senator from Alabama would do so by striking the entire section out.

Mr. HOAR. Let it go out.

Mr. GARLAND. And leave the matter stand upon the law as it is. The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. WILSON].

Mr. WILSON. If the purpose is to strike out the section, I will withdraw my amendment.

Mr. MORGAN. I move to strike out section 107.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to strike out section 107.

The amendment was agreed to.

Mr. MORGAN. I sent an amendment to the desk the other day, which I now offer. On page 21, section 33, line 20, after the word "preferences," I move to insert:

Or shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vendor being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner, assignee, or trustee.

When a bankruptcy bill was before the Senate at the last session of Congress I had the honor to present an amendment, which was adopted I believe on two separate votes by the Senate, substantially embodying this language. The bill was then recommitted to the Committee on the Judiciary, and they reported back a substitute for the bill that was under consideration by the Senate at the time this amendment was adopted, and the committee, after having revised the language of my amendment, reported that which I now have read; so that I presume it has been sufficiently well considered in respect of its verbiage, terminology, &c., and that it embodies perhaps in as good form as we can get it the idea that I desire to present.

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama will be read.

The Chief Clerk read the amendment.

Mr. MORGAN. This proposition has been for some time before the country; the newspaper press have commented upon it very freely and very extensively, and I presume that every Senator here has really considered the subject and made up his mind about it; so that it can scarcely be worth my while to undertake to present arguments in behalf of it this afternoon, unless some Senator shall make it necessary by objection to this being inserted in the bill.

Mr. HOAR. That language I did not make much objection to when it came up in the bill of last winter; the bill did not then pass; but on examination and on reading the discussion all over the country I am satisfied that it ought not to be inserted. I believe it received a nearly unanimous condemnation from the press so far as any press was friendly to the bill itself. As the Senator has got it now any grocer or marketman who should undertake to supply the Senator three days hence with his new stock of potatoes or with a barrel of flour, or a coal-dealer who should undertake to supply him with coal, or a dealer in fuel with wood, would instantly commit an act of bankruptcy, and a person who was worth a million dollars and did not owe a debt in the world would commit an act of bankruptcy by doing this.

The trouble is that this seeks to punish what is undoubtedly an in-

jurious practice, one which it would be very desirable to suppress; that is, gambling in stocks or in property of any kind, making contracts for sales with reference to a future rise or fall. It undertakes to punish that injury to the public interest by declaring it what it is not in fact, an act of bankruptcy, by bringing it into a system where it has no place and to which it has no relation whatever. It would be quite reasonable to provide that if a man being actually insolvent did these things that should be a reason for putting him into bankruptcy, and my impression now is that that is the way it was left last winter on final discussion; that it did not make it an act of bankruptcy in all cases, but only where the man was actually insolvent.

Mr. GEORGE. That is a very good way to make him insolvent.

Mr. HOAR. Now, take Mr. —; no, I will not name him, though the name of an individual came to my lips who has been a candidate for a pretty high place in this country. I will not name any individual; but take a man who is clearly worth \$5,000,000 who goes into a stock speculation. This amendment, if I understand it, declares that that person shall be forthwith declared a bankrupt. What are you going to do with him when you declare him a bankrupt? He does not owe any debts or very few debts; he is not insolvent. You put him at the mercy of some person who desires to black-mail him. That is all there is of it.

Mr. MORGAN. Mr. President, the language of section 33 is divided out by semicolons down to the first period, and that part of the section covers thirty lines of text. In those thirty lines of text there are included various causes of involuntary bankruptcy. The section sets out with the proposition that a person before he can be put into involuntary bankruptcy must be a trader. No other person can be put into that condition for any delinquency or any failure in business of any kind. He must owe then debts exceeding in amount a thousand dollars, these conditions before you can get him into involuntary bankruptcy. And then if he "departs from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors," he may be put in, "or, being absent, remains so with like intent," he may be proceeded against; or if he "conceals himself to avoid arrest or the service of legal process," he may be put in; or makes a "fraudulent transfer of his property; or conceals or removes the same to avoid process; or, with intent to defraud his creditors, procures or suffers judgment against him; or gives a warrant to confess judgment, or judgment-note, with like intent; or who, being actually insolvent, suffers his property to be seized on execution, and fails within twenty days thereafter to redeem the same from such seizure."

The evil intent which is presupposed in the other definitions that precede that is supposed to be absent, and he is put into bankruptcy or made amenable to the proceeding merely because, "being actually insolvent," unable to pay his debts, he "suffers his property to be seized on execution, and fails within twenty days thereafter to redeem the same from such seizure; or has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business, for a period of thirty days after the same were payable." Those two clauses are divided by a semicolon, and the latter cause of bankruptcy which I have just read does not bear upon his being insolvent at all. There is no dependence in that upon the preceding section.

Now we come to the next clause:

Or, who being insolvent—

Introducing that feature again—

makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences.

There the evil to be remedied is that the party being actually insolvent makes a preference among his creditors, or makes an assignment without preference among his creditors, an assignment in that phraseology being construed of course to mean a common or general assignment of all he possesses, but without fraud, without even intent to defraud, without anything of that sort. Now this amendment which I offer follows that semicolon after the word "preferences," and defines an entirely separate and distinct cause of bankruptcy, which is that being indebted to the amount of a thousand dollars and being a trader—for those are the conditions precedent to the whole operation of this involuntary clause—a man shall after the passage of this act sell or buy, or agree to sell or buy for delivery in the future, &c. I think it is entirely competent and entirely proper that in dealing with traders we should give to their creditors the benefit of all the moral protection we can against acts on their part which are destructive of the welfare of traders and of the community also.

The Senator from Massachusetts confesses that here is an evil which ought to be checked, but he thinks a bankrupt bill is perhaps not the proper proceeding in which to make the correction. It seems to me that it is not only proper, but that it is the only one in which we can legislate against this evil.

A man who goes in as a trader upon capital which he represents himself as having and upon that representation obtains credit from various persons in the country, goes to a gambling table, goes to a faro bank and gambles away his money—I do not know why that man should not be as liable to be put into bankruptcy as if he had made some unfortunate speculation and other men had failed to pay him money or he

had failed to the extent of being sued to a judgment against him and a return of no property found on his judgment or he has failed to redeem the property that has been seized.

Neither can I understand why a man in that condition, who thus deals with his creditors and his property and who abuses the confidence which the community have a right to place in men who hold themselves out as traders, if he stakes his money upon futures, if he engages in the business of buying and selling in the form stated property of the descriptions mentioned in the amendment, as we say dealing in futures, I can not understand why that man has not placed himself in a position to be suspected, both as to his motives and as to the soundness of his business transactions. I can not understand why we ought not to make that a cause for putting that man into bankruptcy.

Why, sir, if a commission merchant, or any man having the right to handle my property of any description whatsoever, upon whose honesty and integrity and morality I have placed confidence and faith, takes my money or his own and goes into the stock market and commences to bet money upon future dealings, that man has forfeited his right as a trader; and if he owes a thousand dollars, holding the character of a trader, his creditors ought to have the right to say to him, "You owe a thousand dollars; of course you would not owe it if it was not due, and you can not pay it; you are here put in default to the amount of a thousand dollars by the non-payment of overdue paper, and you have been engaged in speculation in futures, buying or selling, and that is as much evidence of your want of business integrity, your want of capacity to manage business for me or for other persons as if you had gone out of sight to avoid service of process, or had concealed your property, or had suffered a judgment and not paid it, or had made an assignment with preferences or without preferences in perfect honesty and good faith."

Mr. HOAR. May I ask the Senator, is not the distinction this: In all those cases enumerated in the bill the things themselves are acts of insolvency or indications of insolvency. They are either the removal of the property from creditors whom the debtor is not paying, being actually insolvent, or they are indications of insolvency, while the man who does this thing may be absolutely solvent.

Mr. MORGAN. How would he be solvent if he had a thousand-dollar debt overdue and unpaid?

Mr. HOAR. That is not the phrase, "overdue and unpaid."

Mr. MORGAN. That is the phrase which precedes every one of these conditions. When you come to file a petition against a party and put him into involuntary bankruptcy, the first thing you allege is that he is a trader, and the next thing you allege is that he owes debts exceeding in amount \$1,000.

Mr. HOAR. Exactly.

Mr. MORGAN. Yes; owing debts.

Mr. HOAR. But he must do more than that. Of course he must owe the debts to a certain amount and he must be a trader; but a man may be a trader and owe a thousand dollars' worth of debts and be as solvent as any man in the world. I suppose you would not find one trader in ten thousand in this country who would not owe a thousand dollars of debts if he was a trader of any amount. Now, the bill says that if this man conveys his property away by an assignment, or prefers creditors, which is a sign that he does not mean to pay one and does another, or has his property seized for debt, or suspends, which are acts or proofs of insolvency, you put him into bankruptcy.

The Senator proposes that if a man gambles in futures, although he is not insolvent, although every creditor that asks him for his debt can get it, he shall be put in bankruptcy, and the Senator does not say that. That is what he means to say, but he does not say that. He does not say that the man who gambles in futures shall be put in bankruptcy, but he includes in his description the most innocent, proper, and necessary transactions in the world. He includes the marketman who agrees with a person whose family he is supplying with their ordinary provisions that he will put one hundred bushels of potatoes into their cellar next week. He includes a man who promises to purchase for the horse of the Senator some hay or some straw or some oats and put them next week into his stable or barn. The same logic would include the man who undertook to give him a supply of coal. He has not struck at the men who are insolvent and do these things. He has not struck alone at the men who do these things as gamblers or speculators, but he has struck at a very large, important, and necessary business.

Mr. MORGAN. Well, Mr. President, I strike at the same crowd precisely that the Senator from Massachusetts has struck at, for I adopt his semicolons, and divide my causes of bankruptcy up precisely as he has divided up his; and the prefix to the whole category of causes of bankruptcy is the language that I read:

That any person, being a trader, residing and owing debts exceeding in amount 1,000, who, after the passage of this act, departs from the State, &c.

Now does the Senator from Massachusetts mean that a man shall be insolvent before he can be put into bankruptcy? Can a man who owes a thousand dollars be put into bankruptcy because he may have concealed himself to avoid the service of process not in a case or not upon the debt that you may be trying to collect out of him, but to avoid service of process in some other legal proceeding, a proceeding of affiliation, or

something like that? A man conceals himself owing a thousand dollars, and being a trader, to avoid the service of an injunction that he does not want served on him in some case, thinking that is the proper way to escape from the clutches of the law or from the tyranny of some man who is trying to prosecute him.

The Senator's bill does not say that man must be insolvent, but yet it is fully implied from the bill itself that he must be; otherwise you can not put him into bankruptcy, for a man who owes a thousand dollars and who may conceal himself to avoid the service of an injunction not connected with the thousand dollars he owes but connected with some civil demand would be put into bankruptcy under the Senator's bill unless he should come forward immediately and pay the thousand dollars the Senator demanded of him. If he pays the thousand dollars, of course he does not go into bankruptcy. Why so? Because he vindicates himself against the accusation of insolvency.

The involuntary system of this bill is predicated only upon the idea that the party proceeded against in bankruptcy is actually insolvent. The Senator from Massachusetts is not trying to put solvent men into bankruptcy. That is not the proposition. If a man's assets will pay more than his debts, say ten times over, the Senator from Massachusetts does not want him put into involuntary bankruptcy; but his bill provides for that if it provides for the category which the Senator has called to my attention.

I am entirely willing to modify this amendment by saying "a person, being insolvent, who shall after the passage of this act sell or buy, or agree to sell or buy," &c. I am entirely willing to do that, because I understood that to be the prefix to the whole affair; that the whole of this involuntary clause has been predicated upon the idea exclusively that the party proceeded against in involuntary bankruptcy must, as a matter of course, be insolvent. If he can pay the debt and escape all proceedings in bankruptcy, I take it for granted that if any man owes \$1,000 and his creditor comes to him and says, "I am going to put you into bankruptcy," he can take a thousand dollars of gold or greenbacks out of his pocket and escape from that creditor; and that thousand dollars may be all he owes in the world. The whole of this bill is predicated, I repeat, upon the idea that it is a proceeding whether by a bankrupt upon the ground of his being insolvent or whether against him on the ground of his being insolvent, and it does not affect my amendment at all if the Senator from Massachusetts desires to have the words in to make it more explicit "or being insolvent shall," and I will ask leave to modify my amendment in that respect.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. FRYE. Leave the comma after "preferences" and go on without putting in the words.

Mr. MORGAN. That is true, a comma there will do it, but perhaps I had better for the sake of caution leave the semicolon just where the Senator from Massachusetts put it in and add "or who being insolvent shall, after the passage of this act, sell or buy, or agree to sell or buy," &c.

That is all I have to say on that branch of it. The Senator from Massachusetts, however, thinks that a man ought not to be put in bankruptcy who is a trader and who may buy or sell provisions for delivery three days after the time of the contract. The Senator will notice the language—

Or being insolvent shall, after the passage of this act, sell, or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, &c.

I grant that there is a good deal of difficulty in getting language together that will define precisely the line on which we wish to proceed in stopping this business of gambling in futures. But I first considered the subject in ignorance; the matter then went before the Committee on the Judiciary, and they reported back the very words I have now employed in offering the present amendment, and I take it for granted that that collection of words embodies the idea about as safely and about as clearly as perhaps any of us can do. It underwent very scrutinizing investigation in the Judiciary Committee, as I am informed.

A man who is the owner of produce—I care not how he has obtained it, if he is the owner of it, whether it has been consigned and shipped to him or not—has a perfect right to dispose of it after he becomes the owner of the property; but if he has a mere contract to purchase or a mere contract of sale on property not *in esse*, the property which he does not own and in respect of which he has a mere bargain under which he may become the owner, that man has no right to deal with that as property in his actual possession.

The evil of this system has become so notorious as that the whole country has manifested a very earnest desire that it should be checked. The Senator from Massachusetts has found a different set of commentators upon this proposition from those that I have seen. The impression that I derived from the criticisms of the common press of the country upon that feature of the amendment as incorporated in this bill before was that the Congress of the United States was doing good to the country by trying to cut off this business of engaging in futures. I can think of nothing that would have a more repressive effect upon it.

Mr. HOAR. The Senator will pardon me for suggesting that if he would put into this clause the words which he now proposes, "being insolvent," and then would put in at the end "except for the purposes

of supplying food, grain, or provisions"—not letting the exception apply to stocks, bonds, and securities—"to his customers for their personal use or for the use of themselves and their families in the ordinary course of business," so as to exclude the criticism which I made about its affecting ordinary provision dealers and coal dealers, which he certainly does not intend, he would answer my argument at least and save time.

Mr. MORGAN. I am willing to agree to that qualification, because that would have been precisely what I would have made the language read if I had sat down to write it anew; but I adopted this language because it had passed muster in the Judiciary Committee. I am willing to put that exception in, because I think it is proper. That is not a case within the meaning of this statute as we propose to make it; for a *bona fide* effort to supply a man's regular customers or to supply persons actually and in good faith with food, or with any of the articles mentioned here, except stocks and bonds, would be not merely a lawful but a commendable act, and I would not put a man into bankruptcy for that. If he was insolvent I would give him a chance to pay. The Senator from Massachusetts can draw that exception, and I will accept it as a modification of my amendment.

Mr. WILSON. I suggest to the Senator from Alabama whether the introduction of the term "except in the ordinary course of business" would not be sufficient? That is a term which is pretty well defined by the courts and has a settled meaning.

Mr. MORGAN. I doubt that, because the "ordinary course of business" in Wall street is to deal only in futures.

Mr. WILSON. You are excluding that by the very terms of the amendment.

Mr. MORGAN. The suggestion made by the Senator from Massachusetts seems to me entirely reasonable, and if he will write it out I will adopt it.

Mr. WILSON. The language suggested by the Senator from Massachusetts may give this a very narrow operation, much more so than either of the Senators would desire; but it seems to me that if the language should be "in the ordinary course of trade," or "ordinary course of business," it would accomplish the object of the Senator from Alabama without interfering with the ordinary transactions of legitimate trade.

Mr. MORGAN. Will the Senator propose his amendment in form and I will look at it?

Mr. HARRISON. This amendment is certainly an important one, and I think in the general purpose of it very many of us would sympathize, I should think likely a majority of the Senate; that is, in so far as it is aimed at gambling transactions, those purchases and sales that are ideal and not real. They are the bane of all business in this country now. They are permeating all of our States from the great centers, seducing from their legitimate business pursuits the officers of our banks and our merchants. They are reprehensible in every direction.

This amendment ought I think to be so framed as not to include the cases of those who in perfectly legitimate trade contract to deliver to a slaughter-house a thousand hogs. A man knows that they are in his neighborhood; he knows the market price, and he makes a contract to go out in the community and buy them and deliver them. I take it that is legitimate trade, so of many other transactions in milk and butter and other articles of that kind. The sellers have not got them actually in possession when they contract. They make their contracts in advance, and they know where the articles are, and they go and buy them, and the contract is made with the purpose of an actual delivery of the thing to a person who intends to receive it and to make use of it in trade. I take it there is a margin there in which one may contract to sell that which he has not presently got, which is legitimate trade, and that we should do unwisely if we put in here a provision that would curtail that sort of trading in the community.

If this can be reduced to such form that it will apply only to the class of so-called trading that I first described, it will have my hearty concurrence, and it is the only way we can reach it perhaps by national legislation. But I was going to suggest that in order to reach this we might dispose of every other pending amendment and by unanimous consent agree that this only should be acted upon to-morrow, giving the Senator from Alabama and the Senator from Massachusetts time to confer about it and make the proper limitations, and so let the bill go over, with the consent of the Committee on Appropriations, and have this single matter acted upon to-morrow.

Mr. ALLISON. I understand that the Senator from Mississippi [Mr. GEORGE] (I do not see him in his seat) has twelve or fifteen amendments yet to propose.

Mr. HARRISON. We can go on with them now.

Mr. MORGAN. I have no objection to the course suggested by the Senator from Indiana, inasmuch as I want to make the language agreeable to the Senators who concur with me in opinion.

Mr. PLUMB. I wish to say in regard to the proposition to continue the consideration of the bankruptcy bill to-morrow that I shall be obliged to-morrow to antagonize with it the Post-Office appropriation bill. I gave away this afternoon with the understanding that the bankruptcy bill would probably be disposed of in the course of thirty min-

utes. While of course the Senate will order its own proceedings, at the same time I shall feel instructed under the direction of the Committee on Appropriations to ask the Senate to proceed to the consideration of the Post-Office appropriation bill immediately after the conclusion of the morning business to-morrow.

Mr. HARRISON. I think we might have consent to reserve this single amendment and dispose of it in the morning hour to-morrow, getting through with any other amendments that may be offered to-night.

Mr. HOAR. I suggest that we go on with all the other amendments, and then when they are finished reserve the right to act on this amendment till the morning after the morning business.

Mr. PLUMB. By to-morrow morning the Senate will have gotten itself so rested and so prepared for new discussion and there will be so many suggestions about new points of difference that I should despair of any conclusion being reached to-morrow.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. HOAR. I move to amend the amendment of the Senator from Alabama by inserting, after the word "or" where it first occurs in the fifth line of that amendment, the words "except in the ordinary course of business for the supply of his customers."

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

The CHIEF CLERK. It is proposed to amend the amendment by inserting, after the word "or," in the fifth line, the words "except in the ordinary course of business for the supply of his customers;" so that if amended the amendment will read:

Or, being insolvent, shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or, except in the ordinary course of business for the supply of his customers, any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vendor being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner, assignee, or trustee.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. CALL. If it is agreeable to the Senator from Massachusetts and the Senator from Alabama I will move that the Senate adjourn.

Mr. HOAR. I yielded the time this morning on account of the desire on the other side of the Chamber, in the first place, to deal with some questions which were on the Calendar; so that I withdrew my motion to proceed to the consideration of the bankruptcy bill at the conclusion of the morning business. Then the Senator from Oregon [Mr. SLATER] desired to make a speech; and I was in hopes that every Senator would agree to stay and finish the bankruptcy bill to-night. We have got to do it some time.

Mr. HARRIS. I suggest to the Senator from Massachusetts, while I am quite willing to stay as long as he may desire, that if we should come to a division at this moment I think the chances are ten to one we have not a quorum within the walls of the Capitol.

Mr. CALL. I suggest to the Senator from Massachusetts that the Senator from Mississippi [Mr. GEORGE] has several other amendments to propose, and their consideration would probably require a much longer time than he would be willing to stay.

Mr. HOAR. My fear is, as my friend from Mississippi is the great friend of the laborers of this country, as we all know—

Mr. GEORGE. Let me interrupt the Senator. Is it not a good thing to be a friend of the laborers?

Mr. HOAR. In one moment.

Mr. GEORGE. Let me ask the Senator if it is not a good thing to be a friend of the laborers?

Mr. HOAR. Let me finish my sentence.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. HOAR. My friend from Mississippi is a great friend of the laborers. He has them constantly in his mind, day and night. My fear is that if he goes home, instead of having a good, honest night's sleep he will lie awake all night, and he will have more than fifty amendments to-morrow morning instead of the five or six he has now.

Mr. GEORGE. I think I should be allowed to say—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. Yes, sir; I yield the floor.

Mr. GEORGE. I do not think it is any very great discredit to a man to be a friend of the laborers; and I do not think that I shall lose any more sleep in thinking about the laborers than my friend from Massachusetts will lose in thinking about corporations and that sort of interests in this country.

Mr. SAULSBURY. Let us adjourn.

Mr. CALL. I move that the Senate adjourn.

Mr. PLUMB. I give notice that I shall, at the conclusion of the morning business to-morrow, move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. HOAR. I shall ask the Senate to continue the consideration of the bankruptcy bill.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS SAINT CROIX RIVER.

The SPEAKER. The gentleman from Wisconsin [Mr. PRICE] yesterday called up a bill which could not be found, on account of a wrong number being indicated. The bill has been found, and the gentleman now asks unanimous consent to take from the House Calendar for present consideration the bill, which the Clerk will read, subject to objection.

The bill was read, as follows:

A bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

Be it enacted, &c., That the Chippewa Falls and Western Railway Company, created and existing under the laws of the State of Wisconsin, is hereby granted the right to construct an iron or steel bridge, with masonry piers, to be used by it, its successors or assigns, for railroad purposes or for railroad and highway purposes, and as a public highway, with continuous span, across the Saint Croix River from such point in the State of Wisconsin, in township numbered 30 north, of range numbered 20 west of the fourth principal meridian, in the county of Saint Croix, which said corporation may select to such point in the county of Washington, in the State of Minnesota, opposite thereto, as said corporation may select: *Provided*, That the bridge to be constructed under the authority hereby granted shall not interfere with the free navigation of said stream beyond what is necessary in order to carry into full effect the rights and privileges hereby granted; and that said piers shall be built at right angles with the current of the stream where said bridge may be erected, and that each span shall be not less than one hundred and twenty-five feet: *Provided*, That said bridge shall be and be considered a legal structure, and shall be a post-road for the transmission of the United States mails: *And provided further*, That the bridge shall be built with one span of not less than one hundred and fifty feet in the clear over the navigable channel, with a height of not less than sixty feet in the clear above low-water mark.

Sec. 2. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall from time to time prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the proposed location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, actually showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and the Secretary of War shall determine the proper length of the spans of said bridge, and the height thereof above high-water mark, and as to the plan of the bridge in all respects; and if it be found at any time that such bridge unnecessarily or materially obstructs navigation, he shall require the necessary changes to be made therein, in the interest of such navigation, at the expense of said company; and said company shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Sec. 3. That the said railroad company shall have the right to construct passage ways on said bridge for foot passengers and vehicles of every description, and to charge a reasonable toll therefor; but the rates of toll shall be submitted to the Secretary of War and shall be subject to his approval and to any change he may think proper from time to time.

Sec. 4. That such alterations or changes as may be required by the Secretary of War or Congress in any bridge constructed under the provisions of this act shall be made by the said railroad company at their own expense; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

The SPEAKER. Is there objection to the present consideration of the bill?

ORDER OF BUSINESS.

Mr. MORRISON. I call for the regular order.

Mr. PRICE. I hope the gentleman from Illinois will withhold the demand for the regular order till this bill can be passed. It is a matter of very considerable importance. The bill has passed the Senate. There can be no possible objection to it, and it will take but a moment. I should like to have it passed, that it may go the Senate, which has already passed a similar bill.

Mr. MORRISON. I insist on the regular order.

Mr. SPOONER. I rise to present a privileged report from the Committee on Accounts.

Mr. MORRISON. I withdraw the call for the regular order, that the gentleman from Wisconsin [Mr. PRICE] may call up the bill he has indicated.

The SPEAKER. Another matter is now before the House. After that is disposed of the Chair will again recognize the gentleman from Wisconsin.

EXPENSES OF COMMITTEE ON ACCOUNTS.

Mr. SPOONER. I am directed by the Committee on Accounts to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the expenses incurred by the Committee on Accounts and the subcommittee thereof, under the resolution of the House of Representatives of January 23, 1884, be paid out of the contingent fund of the House, the same being first approved and allowed by the Committee on Accounts.

The resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS SAINT CROIX RIVER.

The SPEAKER. Is there objection to the present consideration of the bill (H. R. 6538) called up by the gentleman from Wisconsin [Mr. PRICE]?

Mr. HOLMAN. Let the title be read.

Mr. WARNER, of Ohio. What committee reports the bill?

The SPEAKER. The Committee on Commerce.

Mr. HOLMAN. I think the bill should be read.

The SPEAKER. The bill has been once read. If there be no objection it will be read again.

Mr. BEACH. I object. It is a long bill.

Mr. HOLMAN. If the bill has been read and if it places the construction of the bridge completely under the control of the Secretary of War, I do not object.

Mr. WASHBURN. It does. It contains all the usual provisions and conditions.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGISTRATION OF STEAMSHIPS.

Mr. ADAMS, of New York, by unanimous consent, introduced a bill (H. R. 6662) to authorize the registration of certain steamships as vessels of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. JAMES. I ask unanimous consent to call up the resolution of the Committee on Public Buildings and Grounds in relation to the public building at Brooklyn, N. Y., which I think is on the Speaker's table.

The SPEAKER. The resolution is not at present in possession of the House. Unanimous consent was asked yesterday morning by the gentleman from South Carolina [Mr. DIBBLE] to report the resolution, but the matter was postponed on account of the absence of the gentleman from New York [Mr. JAMES].

Mr. DIBBLE. I now ask consent to submit the report from the Committee on Public Buildings and Grounds, being a substitute for the resolution referred to that committee.

The SPEAKER. The original resolution will be read, and then the proposed substitute.

The original resolution was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file in the Treasury Department relating to the purchase of a site for a public building in the city of Brooklyn and State of New York.

The substitute was read, as follows:

Whereas a resolution was referred to the Committee on Public Buildings and Grounds relative to the purchase of a site for a public building in Brooklyn, N. Y.; and

Whereas at a hearing before said committee specific charges were made, in writing, and filed with said committee, alleging complicity between some of the officers of the Government and the owners of real estate in said city, whereby it is alleged that the Government is likely to be required to pay an exorbitant price for the contemplated site; and

Whereas it is due to the Government as well as to the officers implicated that the facts should be ascertained: Therefore,

Be it resolved, That the Secretary of the Treasury is requested to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file relative to the purchase or contemplated purchase of a site for a public building in the city of Brooklyn, N. Y., and that the Committee on Public Buildings and Grounds be instructed to investigate the charges made, with power to send for persons and papers; and that the Secretary of the Treasury be requested to suspend negotiations for the purchase of said property pending the investigation.

The SPEAKER. Is there objection to the present consideration of the report from the Committee on Public Buildings and Grounds?

There was no objection.

The SPEAKER. The question is upon agreeing to the substitute which has been read.

Mr. JAMES. Before the vote is taken I desire to make a brief statement. When consent was asked yesterday to report this substitute to the House and have it considered at that time objection was made by one of my colleagues [Mr. SKINNER] on account of my absence. That objection has been used by some of the journals of the city of New York to the prejudice of my good character and reputation. I therefore wish to say in the presence of the House that had I been present yesterday I should not have objected to the consideration of the resolu-

tion. The gentleman who did make the objection did so without my wish, and simply out of kindness to me, as I was absent.

So far as the purchase of the site for the public building at Brooklyn is concerned, I have no reason to doubt that every transaction in connection with it has been upright and honest. The amount which the Secretary of the Treasury thought he was allowed to expend for the purchase of the site was \$450,000. The agent of the Government who had authority from the Secretary to make the purchase has expended for that purpose \$501,082.50. I have here a statement of each item of the expenditure, the name of each person to whom the money was paid, and all the facts concerning the purchase of the property, which I shall publish in connection with my remarks.

I wish to have it understood that so far as I am personally concerned I do not care whether there is an investigation or not. The Secretary of the Treasury is perfectly willing to have the investigation; the Supervising Architect is willing that there shall be an investigation; and all that they ask is that the investigation be made promptly, in order that the work may go forward.

The table referred to by Mr. JAMES is as follows:

Lot 1. No. 283 Washington street, Mrs. Augusta Titus.....	\$30 000 00
Lots 2 and 8. 75 feet on Washington street, 160 feet deep, and 26 feet on Johnson street, Mr. W. A. Husted (numbers not known).....	175,000 00
Lot 3. Louis and Hermann Liebmann, 100 feet on Washington street (numbers not known).....	\$50,000 00
Including Mr. Sherlock's lease for two years (cash).....	19,500 00
Lot 4. No. 23 Johnson street, John Cassidy.....	33,000 00
Including Thomas M. Fleming's claim to it (cash).....	10,000 00
Lot 5. No. 25 Johnson street, Mrs. Margaret L. Taylor.....	13,500 00
John F. James's commission.....	250 00
Thomas T. Northall's lawyer's fees.....	17 50
Lot 6. No. 27 Johnson street, Mrs. Mary Bene.....	19,000 00
Jacob Wahl's two years' lease.....	12,000 00
Lot 7. No. 31 Johnson street, John and James Hanna and two sisters.....	15,000 00
H. Naus's lease, six months.....	375 00
Lot 8. Nos. 33 and 35 Johnson street, W. A. Husted, included in Lot 2.....	15,375 30
Lot 9. No. 37 Johnson street, Mrs. Ellen Cameron.....	10,000 00
Lot 10. No. 39 Johnson street, Miss Dezhiah Buckelew and sister.....	12,000 00
Lot 11. No. 288 Adams street, Mrs. Mary Spencer.....	\$8,500 00
Lot 12. No. 286 Adams street, Mrs. Amanda M. Way.....	8,500 00
Lot 13. No. 284 Adams street, Charles D. Spencer.....	8,000 00
D. H. Way's commission, in cash.....	25,000 00
Lot 14. No. 282 Adams street, John C. Gulick.....	1,750 00
Louis Truog's one year's lease.....	8,000 00
D. H. Way's commission.....	1,000 00
Commission.....	340 40
Lot 15. No. 280 Adams street, Misses Hartnett (sisters).....	9,340 00
Lot 16. No. 278 Adams street, W. A. Husted.....	12,000 00
Lot 17. No. 276 Adams street, Mrs. Agnes I. Spencer.....	10,500 00
Lot 18. No. 274 Adams street, Henry Hoffman.....	10,000 00
Commission.....	\$11,500 00
Commission.....	\$100 00
Commission.....	150 00
	250 00
	11,750 00
	479,982 50

EXPENSES UP TO APRIL 16, 1884.

Searches and abstracts, lawyers' fees, (about).....	9,500 00
Leonard Moody's guaranteed commission.....	5,000 00
Interest on loans (about).....	2,500 00
Traveling expenses.....	1,500 00
Cash expenses for getting deeds and contracts signed and verified.....	2,600 00
	21,100 00
	501,082 50

HERMANN LIEBMANN.

BROOKLYN, N. Y., April 16, 1884.

Mr. SKINNER, of New York. When the gentleman from South Carolina [Mr. DIBBLE] asked consent yesterday to report the resolution now before the House, I objected to its present consideration. I was aware that it involved a question of great interest to one of the cities of New York, and I also knew that my colleague [Mr. JAMES] felt a deep interest in the question so far as the construction of the building is concerned, and might desire to be present. I desire to corroborate Mr. JAMES's statement by saying that not a word had ever passed between him and myself in reference to the investigation recommended by the committee. I knew simply that he was not in his seat, and I desired that when action was taken upon the question it should be done in his presence.

In this connection I wish to refer to a statement made in a morning paper to the effect that I was pressed by various members to withdraw my objection, and that it turned out that I was really objecting at the private request of my colleague [Mr. JAMES]. All I have to say in reference to that is that the statement is absolutely false in every particular. I knew nothing of the merits of the question so far as regards the necessity or advisability of an investigation. Having since been informed that the Secretary of the Treasury requests this investigation, that Architect Bell also requests it, and that my colleague has no objection to it, I certainly do not object, and wish simply to make this statement, having yesterday objected to the consideration of the reso-

lution for the reasons I have stated. I may have done my colleague injustice by interposing an objection at the time, but there was certainly no understanding direct or implied between us. I simply did as I would have thanked any of my colleagues for doing under similar circumstances.

Mr. DIBBLE. I wish to say, on the part of the committee, that we have proceeded in this matter simply because the charges were before us in writing. We have no further comments or statements to present until we are authorized to investigate and report.

The question was taken upon the substitute, and it was agreed to.

The resolution as amended was then adopted.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

Mr. REED. What is the resolution?

The SPEAKER. It is one reported from the Committee on Public Buildings and Grounds authorizing an investigation in regard to the purchase of a site for a public building at Brooklyn, N. Y.

Mr. REED. I understood that the regular order had been called, and that we were proceeding with it.

The SPEAKER. The demand for the regular order was withdrawn.

Mr. REED. It appears to me that this investigation ought not to take place.

The SPEAKER. The resolution has been adopted, and the question now is on the motion to reconsider and to lay that motion on the table.

The question was taken; and the motion to reconsider was laid on the table.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the consideration of the bill (H. R. 2228) to "remove certain burdens on the American merchant marine, and to encourage the American foreign carrying trade," and that Saturday, April 26, be set apart for the consideration of the same.

Mr. RANDALL. I must object to that.

The SPEAKER. Objection is made, and the resolution is not before the House.

SETH WILMARTH.

Mr. LOVERING, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be, and hereby is, authorized and requested to appoint a commission of three or five officers of the Navy to make full inquiry and investigation as to what, if any, compensation should be made to Seth Wilmarth, of Malden, Mass., for his invention and extra services in the construction of the great metal-planer now at the Boston navy-yard, for which letters patent of the United States were issued to said Wilmarth, under date of January 29, 1869, and for the use of said planer by the Government since its construction, and report the result of such investigation to this House.

CATHERINE LEWIS.

Mr. JOHN S. WISE, by unanimous consent, introduced a bill (H. R. 6663) restoring to the pension-roll the name of Catherine Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT LAWS.

Mr. VANCE. I ask unanimous consent to present at this time, and have printed in the RECORD, certain resolutions of the convention of inventors, held at Cincinnati, March 25, 1884; also resolutions adopted at the meeting at Lowell, Mass., concerning the patent laws; and let the same be referred to the Committee on Patents.

There was no objection, and leave was granted accordingly.

The resolutions are as follows:

WASHINGTON, D. C., April 4, 1884.

Hon. R. B. VANCE,
House of Representatives:

At the convention of inventors of the United States held at Cincinnati, Ohio, March 25-27, 1884, at which there was a registered attendance of some six hundred persons, and in connection with which over 4,000 inventors or owners of patents addressed letters of hearty sympathy and concurrence to the chairman of the executive committee, the resolutions set forth in the accompanying copy were unanimously adopted, and it was requested that the chairman take measures to have said resolutions presented to the Senate and House of Representatives now assembled in Congress.

Therefore, in pursuance of the foregoing, and at the instance and request of the president of the said convention, I herewith forward said copy and request that the said resolutions may be duly presented in the House and referred to the Committee on Patents.

Respectfully,

L. DEANE.

Whereas the incentive and rewards given inventors by the Constitution of the United States and the laws of Congress passed thereunder have done more perhaps than any one cause to advance our whole country to the front rank in wealth, resources, and industries among all nations of the world; and

Whereas any material change in those laws would in the opinion of this association seriously retard our material progress as a people: Therefore,

Resolved, That our Senators and Representatives in the United States Congress are respectfully requested to oppose the passage of any bill which would have the effect to discourage inventions by impairing the value of patented property or imposing any conditions on the owners of such property in prosecuting and maintaining their rights to the full value of their said property which are not equally applicable under the laws of Congress to the rights of all property and the remedies provided to protect the same for all citizens of our entire country.

Resolved, That the inventors, patent-owners, brain-workers, and citizens of the United States, in convention assembled, where patent interests antagonize no other, but benefit all classes of the community alike, demand the continued protection of our present patent system unimpaired by Congress.

Resolved, That since the money derived from the fees paid by the inventors to the Government is ample to pay all the cost and charges, it is the imperative duty of Congress to provide sufficient force in the Patent Office to do the work well, and to keep it up to date, and in all details and particulars to thoroughly equip the Patent Office for its work, by providing sufficient accommodations for its force, an ample library of books and publications pertaining to patent and scientific matters, and full and complete digests of inventions in all the classes, and rooms and means to enable the inventor and patentee to search into the novelty of any device or the state of the art in any given direction.

Resolved, That the dignity and importance of the business of the Patent Office demand that it should be severed from the Interior Department and made a Department by itself, with a head recognized as a member of the Cabinet.

Resolved, That since the matters adjudicated in the Patent Office are in a very large degree legal in their scope and bearing, it is the evident necessity of the case that there should be a distinctly legal bureau or division of this office, clothed with the authority to hear and decide said matters and enforce its decisions.

Resolved, That though there have been nearly 300,000 patents granted, there have been scarce a score of patents which the public has objected to, and no patent based on a wrong, which the courts have not finally held invalid.

Resolved, That since under our law the Patent Office must be self-sustaining, and since there are very large requirements to cover the expenses of properly equipping the Patent Office for full discharge of its duties, it does not at present seem to be expedient to reduce the Government fees on patents.

Resolved, That protection under the patent system is of more vital importance to us as a nation than the protection of any other industry connected with our Government.

Resolved, That Congress be requested to so modify section 4887 of the United States Statutes that letters patent for the invention of a citizen of the United States shall continue in force for the full term of seventeen years, whether such invention shall or shall not have been previously patented in any foreign country.

Resolutions adopted at the meeting at Lowell, Mass., concerning the patent laws.

Whereas it was provided in our national Constitution, in order "to promote the general welfare," that Congress should "have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;" and

Whereas in accordance with the evident intention of the framers of the Constitution Congress has from time to time enacted laws whose promoting and fostering influence has placed America in an advanced position in every branch of the mechanical, manufacturing, and useful art industry of the world; and

Whereas while the patent laws so enacted have, through their general influence, been so beneficial, they have been such as to make possible the enforcement by unscrupulous owners of patents of unjust and oppressive claims for royalties against innocent users of patent inventions, proceedings which are at once afflictive to the public and destructive of sympathy for inventors as a body; and

Whereas it is proposed so to amend the patent laws that the rights of the people on the one part and the rights of inventors on the other part may be the more effectually conserved, to the relief and reasonable satisfaction of both, so as to defend innocent users against oppressive exaction on the part of patentees, and yet protect inventors against deliberate infringement on the part of willful, banded, or organized invaders:

Now, we, inventors, manufacturers, artisans, and others of the city of Lowell, Commonwealth of Massachusetts, duly assembled to consider the important question of the contemplated amendment of the patent laws hereinbefore referred to, having deliberated upon the matter in its various phases—

Resolve, I. That the object in view, hereinbefore described, meets our hearty approbation. That we regard as against the interests of inventors, and as against the public interests also, the continuance in force, without suitable modification, of those provisions of law relating to patent-rights which permit extortion; for an unjust and oppressive enforcement of patent law will result in rendering obnoxious the patent system itself.

II. That we should regard as inimical to the public welfare, repressive of invention and discovery, and opposed to advancement in the useful arts and to the increase and diffusion of knowledge, any enactment which should abridge the present duration of letters patents, or make the securing of patents more difficult or expensive, or add to the hindrances which the inventor now meets in suppressing infringement of rights granted him, or deprive the patentee of that sole and exclusive right for a limited term to the manufacture, sale, and use of his invention which he now enjoys.

III. That of the several pending bills which have come to our notice the following, namely, House bill 3925, House bill 3934, House bill 3617, and Senate bill 1558, not only fail to provide available avenues of redress for pirated inventors, but they would so embarrass inventors in pursuit of their rights as in many cases to render it impossible to secure simple justice.

IV. That Senate bill 1558, introduced by Senator VOORHEES, of Indiana, would impair contracts now subsisting between patentees and the public and be *ex post facto*.

V. That House bill 3925, introduced by Hon. Mr. CALKINS, of Indiana, not only deprives the pirated inventor of what he may now lawfully recover as a measure of fair damages, but encourages unlawful and secret manufacture by irresponsible makers who are supplied with capital in such ways as place their principals beyond the reach of legal process.

VI. That the House bill 3617, introduced by Hon. Mr. ANDERSON, of Kansas, would reduce the duration to that length of time which is frequently passed in bringing an invention into such notice and use as make it of any profit, and would therefore, by rendering it inexpedient to take out a patent at all, virtually annul the patent law so far as it relates to future inventions.

VII. That the House bill 3934, introduced by Hon. Mr. VANCE, of North Carolina, is free from the objections, mentioned and not mentioned, which may be fairly urged against the bills above specified, and would, if amended in the spirit in which it appears to have been drawn, be quite satisfactory; and that we should deem it expedient so to amend section 2 of that bill as to leave to the election of the court the admittance of testimony for its information concerning damages, profits, or savings.

VIII. That these resolutions, humbly but sincerely and earnestly expressing the solicitude which all good citizens must feel concerning the fate of the patent laws which have, with all their faults, been so beneficent, and containing an assurance of our confidence in the wisdom of that branch of the National Legislature which is yet to pronounce judgment on the grave question at issue, be sent to the honorable the Senators from our Commonwealth, for presentation to the Senate of the United States, for such disposition as may be deemed due to this our prayer and remonstrance.

MINERAL WATERS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. FIEDLER, by unanimous consent, introduced a bill (H. R. 6664) for the better protection of manufacturers, bottlers, and dealers in mineral waters, beer, ale, porter, and other beverages throughout

the United States within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DUPLICATE CHECKS.

Mr. WARNER, of Ohio. I ask unanimous consent that the bill (S. 1705) to provide for the issue of duplicate checks be taken from the Speaker's table for reference. The consideration of the bill was objected to the other day.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Claims.

POSTAL TELEGRAPH.

Mr. BUDD, by unanimous consent, presented the following concurrent resolution of the Legislature of California, asking the passage of the Summer postal-telegraph bill; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed in the RECORD:

Assembly concurrent resolution No. 1, relative to the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER.

Resolved by the assembly, (the senate concurring), That we heartily indorse the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER, of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States.

Resolved, That our Senators be, and they are hereby, instructed, and our Representatives requested, to support and by all honorable means endeavor to secure the passage of said bill.

Resolved, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

H. M. LARUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

TENTS FOR THE WEST VIRGINIA ARMY REUNION.

Mr. MCCOMAS. I ask unanimous consent to introduce for present consideration a joint resolution authorizing the Secretary of War to furnish tents for the next annual reunion of the Society of the Army of West Virginia, to be held at Cumberland, Md., in the month of September, 1884. We have passed several bills of this kind during this session.

Mr. BEACH. Let the resolution be read.

Mr. ROSECRANS and others called for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HANCOCK. I move that the morning hour for the call of committees be dispensed with, my purpose being to move that the House resolve itself into Committee of the Whole to resume the consideration of the pension appropriation bill.

The motion of Mr. HANCOCK was agreed to, two-thirds voting in favor thereof.

REPRINTING OF A DOCUMENT.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] asks unanimous consent that House Executive Document 86, relating to trade between the United States and Mexico, be reprinted. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

SALARIES OF POSTMASTERS.

Mr. RANDALL. I desire to report from the Committee on Appropriations a communication from the Postmaster-General which has been sent directly to the committee. I have once before called attention to this irregular practice. These communications should come through the House, and I hope the heads of Departments will take notice of this statement of mine, although they have not noticed my former one.

The SPEAKER. The rule of the House requires that these communications be sent to the Speaker, and by him laid before the House, to be properly referred. The Clerk will read the title of the document.

The Clerk read as follows:

A letter from the Postmaster-General, containing estimated deficiency in the appropriation for salaries of postmasters for the fiscal year 1884.

The communication was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOMS REVENUES, ETC.

Mr. SCALES. I ask that the joint resolution H. Res. 193, which has come back from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress was taken from the Speaker's table, and, with the amendments of the Senate, referred to the Committee on Printing.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union, to resume the consideration of the pension appropriation bill; and pending that mo-

tion I move that all general debate in Committee of the Whole on that bill be limited to two hours.

Mr. RANDALL. Unless the gentleman knows that two hours more will certainly be occupied in general debate, I suggest that he modify his motion so as to close the debate in one hour. The general discussion has already occupied four hours.

Several MEMBERS (to Mr. HANCOCK). Say one hour.

Mr. HANCOCK. As it seems to be the general wish, I modify my motion so as to close general debate in one hour.

The motion to limit debate was agreed to.

The question recurring on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, and by order of the House all general debate has been limited to one hour, to be equally divided between the two sides of the House. The gentleman from Texas [Mr. HANCOCK] having charge of the bill will be recognized to control the time in favor of the bill.

Mr. HANCOCK. I will yield first to the gentleman from Minnesota [Mr. WASHBURN].

Mr. WASHBURN. Mr. Chairman, I wish to say a few words in reference to the pending pension appropriation bill. In the Committee on Appropriations I was a member of the subcommittee which had the preparation of this bill in charge, and therefore am somewhat familiar with its several provisions.

As the gentleman from Texas [Mr. HANCOCK] has already stated in opening the debate, the amount recommended for 1885 in this bill is \$20,684,400, while the amount reappropriated is \$66,000,000, making in all a total of \$86,684,400, which, judging by the payments of last year, will give an amount abundantly sufficient for the payment of the pension-list.

But, sir, I wish to address myself especially in reference to the provision limiting the amount to be paid for the preparation of pension vouchers. The committee I believe have been led into an error in the limitation which is inserted in the bill. For one at least, I am myself satisfied I was mistaken in favoring the provision limiting the amount to be paid for the preparation of vouchers to 5 cents apiece. It was unanimously agreed to in the committee; at least there was no objection made that I was aware of, and at the time I felt myself that the amount was amply sufficient. But upon giving the matter fuller investigation I am now convinced that 5 cents is not a sufficient sum; that it will not produce an amount sufficient to pay for the necessary clerical service in the different pension agencies.

Heretofore, Mr. Chairman, the limit per voucher has been 15 cents, and until now this has not been supposed to be too large a sum to pay for that purpose. The committee, however, have thought that it was too large, and I am inclined to believe it is too large; but at the same time I am satisfied that 5 cents is not sufficient, and I will give my reasons for that opinion.

The committee were led into the adoption of this limitation of 5 cents by certain statements made to it in regard to the cost of preparing these vouchers. It was stated that the pension agent in this city had these vouchers prepared at the rate of 25 cents per hundred. On examination I find that is not exactly the fact. These vouchers were printed with blanks, and all to be done was to insert the name. [Holding up a blank voucher.] Here is one of the vouchers, and it will be seen that the filling of all these blanks requires a considerable amount of writing. The pension agent here pays 25 cents per hundred for only filling one of the blanks with the name and number of the pensioner.

The amount appropriated under the provision of the bill for the payment of only 5 cents apiece for the preparation of vouchers covers not only the expense of preparing all these vouchers themselves, but it also includes all the clerical work done in the Pension Office. Furthermore, these vouchers are not prepared at one time. The clerk does not take a voucher and go through it at once and fill all the blanks at the same time, but it has to be gone through two or three times, and every time the rolls have to be examined with reference to each case. The work, therefore, is much larger than it would seem to be at first blush.

But, sir, I have taken the pains to ascertain the actual cost during the first six months of the year of the preparation of these vouchers. I judge this amount is a fair one for the reason that it is paid out of the agent's own pockets for the clerical work which this provision in the bill covers.

Mr. RYAN. Press that point, for it is an important one in this connection.

Mr. WASHBURN. The pension agent is allowed so much, and what he does not pay out for actual service of course he is able to retain as part of his profit.

Mr. RYAN. Just like a banker or merchant.

Mr. WASHBURN. It is just like a banker or merchant. I think it is fair to assume that the amount paid by those different agents dur-

ing the last six months is not exorbitant. I find that for the year, taking sixteen out of the eighteen agencies, the cost was \$104,407 actually paid out. This does not embrace the large agency at Philadelphia or the smaller one at Concord. The amount would have been much larger in case they had been included.

Now, the amount produced at 5 cents per voucher is only \$66,400, showing that 5 cents apiece will not produce more than half the amount required to pay this clerical expense.

And so far as I am concerned, Mr. Chairman, I do not see any reason why this appropriation should be made in this manner. I see no good reason why the appropriation should not be made in a round sum sufficient to pay for this clerical expense, because if the price paid is too small there will be a deficit, and a work of this kind cannot go forward. If, on the contrary, the amount is too large, as it has been I am satisfied the last few years, then the result is the pension agent has a perquisite.

So far as I am concerned, I am against perquisites in any shape. I believe in paying the officers of the Government a fair compensation for the work they do and the responsibility they take. If \$4,000 a year is not a sufficient salary for pension agents, then make it larger. I think that amount is sufficient, notwithstanding the character of the duties and responsibilities they have incurred.

But, as I have said, if it is not sufficient make it sufficient, but do not pay extra compensation in the shape of perquisites. There are some pension officers in this country whose annual salary, as near as I can judge from the figures which have been received, will reach from \$7,000 to \$8,000 a year.

Mr. RYAN. And others who do not get \$2,500.

Mr. WASHBURN. While some of the others receive as low as from \$2,500 to \$3,000. But I believe in this appropriation bill this principle should be abandoned. I believe it is a vicious one, and that in making appropriations we should appropriate a round sum sufficient to cover all proper and necessary expenses of the office and no more; and when the time comes for offering amendments to this bill I shall propose that in lieu of 5 cents apiece or 10 cents or any other sum that may be fixed for making out these vouchers, that, guided by the actual expenses incurred last year in the different offices, we shall make an appropriation sufficient to pay all these expenses. So far as this amount of 5 cents for each voucher is concerned, I am satisfied, on further investigation, that it is entirely inadequate. There is another provision of the bill which has been criticised and which I do not believe to be entirely satisfactory to any one, but I am of the opinion, upon the whole, that it had better remain. I refer to the provision with reference to fees paid to claim agents.

This legislation was suggested owing to the great abuses that had grown up in the payment of fees in advance of the allowance of the claim. The pensioners of this country have been robbed of hundreds of thousands of dollars for which they have had no service rendered, and it has grown out of the fact that the agents were able to collect their fees in advance of the allowance of the claim. The committee sought to strike down this abuse if possible, and therefore in the second section of the bill it is provided that no fees shall be paid until the claim has been allowed. That principle, whatever may be done so far as limiting the fee to \$10 apiece is concerned, should be retained in the bill.

Mr. HANCOCK. How much time remains yet of the half hour?

The CHAIRMAN. The gentleman from Minnesota has occupied ten minutes.

Mr. HANCOCK. I yield the remainder of the time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Chairman, I would like if possible to have some provision incorporated into this bill by which the claims now pending before the Pension Department may be adjudicated at an early date; and, as a part of my remarks, I ask to have read at this time for the information of the committee an amendment that I propose to offer at the proper time.

The Clerk read as follows:

And provided further, That no proofs shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States; and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted.

Mr. GOFF. Mr. Chairman, the men in whose interest we legislate and discuss questions presented here to-day are rapidly growing old. They are fast passing away. The widows of the dead soldiers of the Army of the Union are growing weary of waiting for the fulfillment of the promises long since made to them. Congress has been, I may say, even lavish in its legislative promises; but in many particulars it has been most derelict in their fulfillment. Do you realize, Mr. Chairman, that over 300,000 claims are as yet unadjudicated? These claims were filed in the name of those who for their country gave all they had to give—their lives, their health, and their strong manhood. These claims are thus unadjudicated although twenty years have elapsed since the time when these men so suffered and died.

Mr. ROGERS, of Arkansas. May I interrupt the gentleman from West Virginia for a moment, since there was so much confusion in the Hall that I failed to understand his remarks as to the legislation of the

present Congress. I would like to know, if he will be kind enough to repeat it, what that has to do with the subject?

Mr. GOFF. I did not allude to the legislation of the present Congress. But I say the Congress of the United States, while it has heretofore been lavish in its promises in this regard, has not, I claim, been particular enough to see that these promises have been carried out.

Mr. ROGERS, of Arkansas. That, of course, is entirely satisfactory to the committee of which I am a member. My impression was that the gentleman applied his remarks to the present Congress.

Mr. GOFF. It is because the present Congress has not as yet afforded the relief that I thought should be given that I am now directing my remarks to the amendment I propose to offer to this bill.

Mr. ROGERS, of Arkansas. If the gentleman will permit me to interrupt him for a moment I will say to him that I think it is due to the Committee on the Payment of Pensions, Bounty, and Back Pay to say that, in reference to the class of cases which is now in the Pension Office and unadjudicated, the committee charged with this important duty in this Congress of devising legislation to meet that difficulty have devoted more time to its attention than to all other subjects which have been brought before them. In connection with the ablest counsel which could be secured in Washington, and with the assistance of the Commissioner of Pensions himself, we have gone over that whole subject and have already perfected and reported to the House a bill which, as we think, meets all of the great wants which have heretofore impeded the speedy preparation and adjudication of these cases. And so far as that committee is concerned, and its duties to the House, I think the results will prove that we have not only been energetic but zealous and faithful in the discharge of our duties, and I submit that when this body shall have criticised the bill which we have prepared for that purpose they will accord to us that credit. That is all I desired to say.

Mr. GOFF. I intend no reflection at all upon the committee of which the gentleman from Arkansas speaks. I am glad that they have at last appreciated the importance of this question, and that they have presented to this House the relief which I have suggested.

Mr. MATSON. May I ask the gentleman from West Virginia a question?

Mr. GOFF. Certainly.

Mr. MATSON. I hold in my hand the gentleman's proposed amendment. I wish to ask him if he knows that the Committee on Invalid Pensions two months ago reported a bill which covers this matter even more strongly than the amendment he proposes?

Mr. GOFF. I know a bill of that character has been offered. Yes, sir; I think the Committee on Invalid Pensions have been very attentive to their duties in that particular. But I want to secure this legislation, and I think the best place to do it is on and in this bill, instead of taking the chances of bills that are away down on our Calendar, particularly the bill the gentleman from Indiana has alluded to. If all the gentlemen concede the importance of this measure, as they seem to do, if they concede its equity, if they concede that it is proper, why not place it upon this appropriation bill and let it become law?

For long, weary years, as I have said, the men intended to be benefited by this legislation have been waiting for it, and it has come not. These soldiers of the Army of the Union, these dead soldiers, are freedom's martyrs. They are jewels in the crown of liberty; they are worthy of the attention of this Congress; they are entitled to your serious consideration to-day; they gathered from all sections; they neglected all professions; they gave up all occupations; they sacrificed homes; they deserted wives, children, all; and they marched under your banner of beauty in the path of duty down into the jaws of death. And they did so not for a party, not for a section; nor did they do it for a creed; for men of all parties tasted of the dregs of the bitter cup, and soldiers of all sections and all creeds shared in the privations and the dangers and won the honors of the battles of the Union.

Why, Mr. Chairman, do you realize that the mothers of your then boy soldiers, many, very many of them, are without pensions to-day? It is even not short of crime that this state of affairs exists in this land to-day. I know that many of you will claim that there has been an immense amount of legislation in favor of the soldier; and yet I say, when you examine the reports of the Commissioner of Pensions you will see that these suffering mothers of the dead soldiers of the land are still asking in vain for the relief that has been proffered them. Why, sir, think what the country has gained; then pause and contemplate what they have lost. They have been taught in the school of adversity. They are not unacquainted with grief. The children of their love were given to the cause of country and at the call of duty.

All over your land to-day, in this beautiful springtime, the grass is growing green over the graves of their loved and their lost. These mothers for whom I speak gave all that they could give for the cause of their country. They have suffered more than we can here depict in language, or can weigh. This very hour to them is full of bitter anguish known only to those who in the bitterness of grief are continually longing

For the touch of a vanished hand,
And the sound of a voice that is still.

Now, Mr. Chairman, I claim that the men who marched with Grant, the grandest of grand soldiers; that the men who marched with Sherman on his wonderful march to the sea; that the men who followed

Phil. Sheridan in the valley of the Shenandoah—an Eden turned to a seething hell; that the men who followed the gallant young Custer, who rode across the plains of the Old Dominion; that the men who followed the banner of that superb soldier, grand as his cause and true as his steel, Hancock; that the men who followed Garfield, our martyred and murdered President,

The thread of whose renown
The Fates to-day spin round and full,
Out of their choicest and their whitest wool;

that the men who went with Fighting Joe Hooker above the clouds; that the men and the boys who were strong enough to seize the tiger of rebellion by the throat and strangle it in the jungles of the Wilderness—that those men should not be told to-day that they are not and were not then strong, able-bodied men. They should not now be required by living witnesses to prove that they then in that day performed well a duty that men could only perform when strong men.

The men, Mr. Chairman, who fought in the armies of Lee and Jackson, brave leaders of brave men—men who have given luster to the renown of the American soldier—those men, I say, to-day should not be insulted by being told they were vanquished by weak, disabled men. It is not only an insult to the men who fought with Lee and Jackson, but it is also an insult to the soldier of the Army of the Union to say to him that the foe he contended with was not as brave, as gallant, and as generous as himself. I say that the time has come when we should have this legislation and be done with these continual appeals for justice, all of which is conceded by each and every member of this House.

The men in whose interest is intended this legislation, which the honorable chairman of the Committee on Invalid Pensions [Mr. MATSON] says has been proffered, the men whom the gentleman from Arkansas [Mr. ROGERS] says his committee [on the Payment of Pensions, Bounty, and Back Pay] has also provided for; the men for whose benefit I have offered this amendment—and dear knows I am not anxious how it is done so that it is done—the men in whose interest this is proffered have made it possible for a republic of over 50,000,000 people, strong in the affections of all its citizens, to realize at last that we are in fact a nation of freemen who dread no master, fear no king, and kneel to none but their God. [Great applause.]

Mr. MATSON addressed the committee. [See Appendix.]

The CHAIRMAN. The bill will now be read by paragraphs for amendment under the five-minute rule.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1885, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, \$20,000,000; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, is hereby reappropriated and made available for the service of the year ending June 30, 1885: *Provided*, That the appropriations aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *And provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. GOFF. I now offer the amendment of which I gave notice some time ago.

The Clerk read as follows:

After line 20 insert the following:

"*And provided further*, That no proof shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States, and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted."

Mr. RANDALL. I reserve the point of order on that amendment. Such an amendment should come from the appropriate committee.

The CHAIRMAN. The point of order must be disposed of now. The Chair will hear the gentleman upon it.

Mr. RANDALL. The point of order is that the amendment is new legislation and not in the line of economy. It would involve greater expense. But my chief objection to it is that it does not come with the approval of the Committee on Invalid Pensions or the Committee on Pensions.

A MEMBER. What difference does that make?

Mr. RANDALL. I do not want to legislate in that way.

Mr. HENDERSON, of Iowa. I understand there is a bill from the Committee on Invalid Pensions embodying the idea presented in this amendment.

Mr. RANDALL. That bill can be considered at the proper time. But we are not passing any bill now except the pension appropriation bill.

Mr. HENDERSON, of Iowa. I think that fact removes the gentleman's objection.

Mr. RANDALL. If the gentleman from Iowa tells me there is a bill reported by the Committee on Invalid Pensions, I make the further point of order that there is a bill to accomplish this object already pending.

Mr. GOFF. I will state to the gentleman that this is not the substance of that bill.

The CHAIRMAN. The gentleman from Georgia [Mr. HAMMOND] has risen. For what purpose does the gentleman rise?

Mr. HAMMOND. I rose to make the point of order last stated by the gentleman from Pennsylvania, that there is a bill for this purpose reported from the Committee on Invalid Pensions, and that it is out of order by way of amendment to ingraft it upon this bill.

The CHAIRMAN. The gentleman from West Virginia will be heard on the point of order if he desires.

Mr. REED. The gentleman from Pennsylvania [Mr. RANDALL] objects because the Committee on Invalid Pensions has not considered this matter; the gentleman from Georgia [Mr. HAMMOND] objects because that committee has considered it.

Mr. RANDALL. The gentleman has not properly stated my objection.

Mr. GOFF. A word only as to the objection that the amendment is the same in substance as the bill reported by the Committee on Invalid Pensions or the Select Committee on the Payment of Pensions, Bounty, and Back Pay. If the gentleman from Pennsylvania will examine the two, he will have no difficulty in reaching the conclusion that the provisions of the bill and of this amendment are not the same. This amendment may accomplish one of the objects intended to be accomplished by the bill of the Committee on Invalid Pensions; but it goes further than that. The amendment I have offered provides that men who were recognized as capable and able for duty at the time of the beginning of hostilities in 1861 and who were mustered into the service, whose names appear upon the muster-rolls—that those men shall be considered capable of duty at the time their names were so placed on the muster-rolls.

Now, sir, you and I in common with citizens generally are estopped by our conduct and our acts. Why should not in this particular the rule of estoppel apply to the Government also? It is said—even the gentleman from Pennsylvania will not deny it—that what is intended to be accomplished should be done. He will also admit, I think, we have a much better opportunity of securing this legislation in this appropriation bill than we will have by waiting to enact either one of the isolated provisions that have been alluded to. I hope the gentleman, unless he thinks it absolutely essential, will not insist upon his point of order.

Mr. RANDALL. I insist upon my point of order. There may possibly be merit in the proposition of the gentleman from West Virginia; but we are not sufficiently informed as to the amount of money involved in his proposition.

Mr. GOFF. Will the gentleman allow me to say right there that if it is right we should not haggle over the amount of money?

Mr. RANDALL. If it is right, then it should come from the regular committee and not from the Committee on Appropriations.

Mr. REED. Under our system of rules the regular committee can not get a hearing.

Mr. RANDALL. I know the gentleman objects to our system of rules.

Mr. REED. Under that system the regular committee can not get a hearing, and so in this way you will kill it very easily.

Mr. MATSON. On the point of order I desire to say that the proposition offered as an amendment by the gentleman from West Virginia is very unlike the proposition contained in the bill referred to. His proposition is to prescribe a rule of evidence without any exception whatever, and therefore I think it may be safely said that it is not even in substance the same as the bill referred to.

The bill proposes possibly to prescribe a similar rule of evidence, but it expressly prescribes an estoppel against the Government. The proposition of the gentleman from West Virginia, as I understand it, does not prescribe an estoppel against the Government, but simply lays down an ordinary rule of evidence. The bill not only proposes to prescribe an estoppel against the Government, but in addition to that it excepts from the operation of the proposed rule certain classes of persons.

Mr. GOFF. In the usual practice of the law a party preferring a claim would have to prove in each and every particular all the things necessary to make out that claim. In this proposition which I have offered it is simply proposed to say to the soldier that as he was able to perform duty while in the service many years ago, that point of his case should be considered as closed; but that in all respects else he must make proof.

Mr. HISCOCK. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. MATSON] if they would not be willing to accept as an amendment to the bill a proposition, not that the examination and acceptance of the soldiers should be regarded as an estoppel against the Government requiring proof from him of soundness of physical condition, but that the Government should have the onus of furnishing affirmative proof that he was unsound.

Mr. MATSON. That is what this bill proposes.

Mr. HISCOCK. I do not myself like the amendment offered by the gentleman from West Virginia. It seems to me that we should incorporate in this bill a provision that the presumption shall be in favor of the soldier, that the burden should be thrown upon the Government to prove the disability back of the muster. There is merit in a proposition of that kind, and no impropriety in its being incorporated in this bill.

Mr. CURTIN. That is very clear.

Mr. HISCOCK. I suggest in a spirit of fairness and of compromise that that is a good proposition to put into this bill.

Mr. MATSON. The gentleman from New York [Mr. HISCOCK] is doing precisely what I was trying to do.

Mr. HISCOCK. I beg the gentleman's pardon.

Mr. MATSON. I was trying to insist that the provisions of the bill referred to were different from those of the amendment of the gentleman from West Virginia, and therefore his amendment was not subject to the point of order that it was in substance a bill pending before the House. But I should not be prepared to support his amendment without some qualification such as suggested by the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I submit to the gentleman from Pennsylvania [Mr. RANDALL] whether he would object to an amendment incorporating that idea.

Mr. RANDALL. As a general proposition, I would say that I would not be willing to incorporate into this appropriation bill or any appropriation bill, so far as I know at present, any matter of legislation which would increase expenditures. If you want to legislate for the benefit of pensioners, do so through the proper committee, and let us know how much money such legislation will cost, and you will find it contributed with alacrity.

There is no hardship in this bill against any one. The provision incorporated in it is solely confined to legislation which will facilitate the obtaining of their pensions by soldiers entitled to them. Another point: I am not willing to legislate blindly in this way on this bill, especially when I remember our experience in regard to another bill, when we were told, and I was here at the time and heard the statement, that the proposed legislation would involve an expenditure of only \$25,000,000; whereas before it is fully carried out it will result in the payment of \$250,000,000.

Mr. LAIRD. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] one question. Is he willing to add to this bill an amendment obligating the Government to pay these soldiers the pensions which are honestly due them, by compelling the Government to recognize this state of facts: that where a man complains of an injury or a wound received in the service, and it is established by his Army record that he served in the field three months or more during the late war, then the presumption shall be that he received the injury or wound in the line of duty? In support of such an amendment I desire to say that the operation of the present pension laws which you are trying to enforce and which I desire to amend is such that the men who have hospital records receive their pensions, while the men who were wounded on our battlefields and did not go to hospitals are the men to whom pensions are denied under the present system.

I will state the amendment which I propose, and which, taken in connection with that offered by the gentleman from West Virginia, will go far to correct the abuses of the system as now administered. Add after line 28 in section 2 the following:

Provided, That in all the cases now pending in the Pension Department, or that may hereafter arise, where the applicant for pension is shown to have served three months or more in the field and to have received an honorable discharge, all injuries sustained by him while in the service shall be presumed to have been received in the line of duty, unless the contrary be shown by proof, the burden of which shall be upon the Government. And when it shall be established by two or more credible witnesses that claimant has suffered from such disability since his discharge, it shall be the duty of the Commissioner of Pensions to grant such pension as the proof shows the applicant entitled to.

Mr. HAMMOND. One word on the point of order. We have nothing in the world to do in this discussion of the point of order with the right of Federal soldiers to pensions. There has been no opposition here to anything of that kind. We have set apart a night every week in which they have a free run without opposition.

The only question is, shall all the rules of the House be set aside for their special benefit? There is pending now on the Private Calendar, and has been pending week after week, a bill to add to the pension-roll what the Federal soldiers on this floor have called a long list of bounty-jumpers. That bill has been crowded in on the Private Calendar and kept there contrary to the rules of the House; and now it is proposed by gentlemen to tack legislation on this appropriation bill, which they know is contrary to the rules of the House; and when the point of order is made against it the gentleman from Maine [Mr. REED] says that the rules are bad. Grant that they are.

Mr. REED. That is a good grant.

Mr. HAMMOND. Grant that they are, that is not the question for consideration. The question is, shall we violate the rules in this case and enforce them in cases that are agreeable to the gentleman?

Mr. REED. We had better disregard them in all cases.

Mr. HAMMOND. The gentleman would violate the rules in all cases, he says. He knows no rule but license. He would disregard all rule when it comes to putting on a bill what has no business there, because the legislation proposed is such as he favors.

Mr. WAIT. Mr. Chairman, the result which the pending amendment to the bill aims to accomplish is one which ought to receive the approval of every member of the House. If under the rules that control the action of the House the Chair should hold that the amendment

is subject to a point of order, then I trust that the object sought to be effected by the same will be embraced in another bill which will receive the unanimous support of the members of this body without regard to party affiliations. The amendment in effect declares that the United States Government, when it received a man into its military service during the late war and had him examined by surgeons who were selected by and acting as the agents of the Government, and these agents had decided that he was then a sound man, free from disease of every kind, and in all respects fit to discharge the duties of a soldier, now aims to set at naught its own action at the time of his enlistment, and to compel him to go back twenty or more years and show what his physical condition was when he entered the public service.

The existing laws or rules of the Pension Bureau, ignoring the opinion of medical men based on careful examination, throw upon the applicant for a pension the burden to prove by testimony, which it may be impossible for him to obtain, the fact that he was free from disease of every kind at the time of his enlistment. His family physician may be dead. Parties in whose employ he was or who were his early associates may also be dead, or removed to parts unknown, or after so long an intervening time may retain no distinct recollection as to his physical condition when he entered the Army twenty years prior. In that way a soldier when he presents his application to the Government officials, asking them to give him a pension as a partial remuneration for loss of health resulting from the privations and exposures incident to life in a camp, or from confinement in a military prison, is coldly met with refusal on the ground that he can not show affirmatively by the testimony of medical men, commissioned officers, and comrades that he was in every respect a sound man when the Government by its agents examined and accepted him. A rule more unjust in its operation could scarcely be devised.

But it is not the soldier alone who suffers great wrong from the effects of this rule of the Pension Bureau. The soldier dies and his widow and children, often left without means to feed and clothe them, call upon the Government to give them the little aid which a pension may afford, and their request for justice is met with the cold response, "Prove by the evidence which our rules demand that your husband or your father was free from every form of disease when he left his home to peril health and life for his country." If it would be difficult for the soldier to reach the proof required to enable him to obtain justice at the hands of the Government, it will surely be impossible for the widow and the children to get the evidence that is demanded from them. In thousands of cases where the soldier, the widow, and the child of the soldier have claims that should be favorably listened to and their applications for assistance unhesitatingly granted, they have been debarred by conditions and requirements with which it is impossible for them to comply. These arbitrary and oppressive rules and requirements should be removed by the proposed amendment or other legislation of like character.

Mr. Chairman, I am often in receipt of communications from soldiers who are suffering under diseases which are the fruits of camp life, or from the widows of soldiers who have died from such diseases, telling me that they have failed to obtain justice solely from their inability to show the physical condition of the soldier at the time of his enlistment. The witnesses to whom they would look for aid have gone to parts unknown, or are dead, or have lost recollection in regard to the case. Let us now, Mr. Chairman, legislate in a way which will do partial justice at least to the brave men who periled life and sacrificed health to save this Union, and not only to them if they are living, but to their widows and children if they are dead.

Mr. REED. Mr. Chairman, the gentleman from Georgia [Mr. HAMMOND], in the enthusiasm of the moment, has allowed himself to say that I interposed, with relation to this amendment, as to whether it was in order or not. I did not do so. All that I did was to call attention to the position of the gentleman from Pennsylvania [Mr. RANDALL]. He objects to incorporating this provision into an appropriation bill on the ground that it should take its regular course; yet he is the individual who more than all others has rendered such a regular course impossible. In other words, he has insisted upon continuing and perpetuating a state of the rules which renders legislation impossible except on an appropriation bill; and then he will not let it go upon such a bill!

It may be that I am pressing this subject too often upon the attention of the House; but my notion of the way things go in this world is that you must have not only sound doctrine but reiteration of sound doctrine. You must not only call attention to existing evils but persist in doing so.

The gentleman from Georgia [Mr. HAMMOND] illustrated another interesting feature of our rules. You can not offer an amendment to any measure provided a bill embracing substantially the same provision as the amendment is pending before Congress. Now, why are bills pending before Congress? Simply because there is a demand for such legislation, and the very reason that brings the bill before Congress—namely, the demand for legislation of that kind—is sufficient under our rules to keep any such provision off a bill that is passing through the House. In other words, you can make an amendment on any subject

to which the public attention has not been directed, but you can not offer an amendment containing such a provision as the public demands! What an interesting state of affairs!

Here we are, with the business of three Congresses piled upon this House and with the prospect that the business of four Congresses will be piled upon the next. Yet the gentleman from Georgia says that we must follow our rules. I grant you that we must. We are obliged to be reconciled to the situation. This is all that can be said about it. But once in a while there may be such a thing as an expression of judicious contempt for this condition of affairs. [Laughter.] And I am very sure, whatever may have been the feeling at the beginning of this session, that to-day I have in this expression the hearty sympathy of this House. We are doing no business, because under our rules we deliberately sacrifice our time in such a way that it is impossible to do business. Why, sir, we waste an hour almost every day in cataloguing the decisions which have been made by the committees. As I have had occasion to remark heretofore, with perhaps some exuberance of metaphor, the only effect of the decision of a committee is that it enables the corpse to be put in a glass case where the friends of the deceased can look upon the remains. [Laughter.]

Here are 1,200 reports of committees upon our table, and no business doing except that which is presided over so well by the gentleman from Pennsylvania; and yet even he, majestically situated as he is, is not equal, even with the assistance of the gentleman from Indiana [Mr. HOLMAN], to the whole business of this country. Why, sir, you can not pour Niagara through a spout. I say the country ought to have a chance to have its business done, and under the rules of this House it can not get it.

Mr. RANDALL. Mr. Chairman, the theory in this House—and it should be the theory in every legislative body—is that rules are made to protect the minority. The majority can always take care of themselves.

Mr. REED. Not in this House.

Mr. RANDALL. The gentleman from Maine [Mr. REED], who, as a member of the Committee on Rules, took part in making these rules, should remember the magnanimity which the majority in framing the rules were willing to extend to the minority.

One other point and I am done. The rules provide for saving the money of the people. That certainly is a good purpose. In my judgment it is right in the line of the action taken in the several States. It prevents that system which predominated in so many State Legislatures, and which led to so much evil—the passing of omnibus bills. So glaring was the evil and so loud was the demand against it that in many of the State constitutions provisions were ingrafted absolutely prohibiting anything of that character by legislation. And the rules of this House have only gone in that direction. I confess I am willing to legislate in every general appropriation bill wisely, so far as my judgment will permit me, provided the public money is thereby to be saved, but never to legislate in these general appropriation bills when the public expenditures are to be increased. And that is all I have to say in answer to the criticism of the gentleman from Maine. The rules to which he has excepted rose out of the necessities of our situation. The country to-day is legislated to death. Instead of having too little, we have entirely too much legislation. We have more legislation, not only than is required, but more than the people demand. If there be one evil greater than another to-day in this country it is that we have too much legislation. In fact, as Jefferson said, "the world is governed too much." [Applause.]

Mr. WARNER, of Ohio, rose.

The CHAIRMAN. The Chair begs to remind gentlemen that it is not in order to discuss the merits of the proposition on the pending point of order.

Mr. REED. Mr. Chairman, I wish to say one other word. The gentleman from Pennsylvania says there is too much legislation. I do not say whether that is true or not, but I do say that Congress sits here for the purpose of hearing the people. It is the great and general court for the redress of grievances. I say that a verdict for the defendant, a verdict against a bill, is just as much the fulfillment of our duty as anything else. And when we, after examination, simply refuse to legislate in any case, we are doing our duty in deciding against the party. But when we will not hear a matter we have done injustice gross and most foul. [Applause.] You might as well say a court of justice was doing right when it decided for the defendant by refusing to hear the plaintiff. Why, sir, it is the great right of the people of the United States; they are entitled to have their grievances heard, and not put where they can not be heard.

It is not that we are called upon to do what people ask, but we are bound to listen to what they say; and I say to you some day or other the result of this damming up, these repeated refusals to listen to the people's grievances who come before us, will be a Congress that will do great wrong in the opposite direction. Our refusal to act will result in piling up public opinion which will force another Congress as far wrong one way as our Congresses have been wrong the other. Let us provide machinery for giving people decisions. What is the result of our present action? Why, every bill that is not acted on here goes to the next

Congress on the ground that this Congress did not dispose of it, and so it will continue to go on until we are crowded beyond human endurance.

The CHAIRMAN. The Chair must again remind gentlemen that the question before the committee is the point of order, and that it is not in order to discuss the merits of the proposition.

Mr. WARNER, of Ohio. I wish to say, in reply to what has been said on the subject of the difficulty of obtaining pensions by soldiers who are disabled and who are unable to furnish the evidence required under existing rules of the Pension Office, that the Committee on the Payment of Pensions, Bounty, and Back Pay has had that question under consideration for weeks and has reported a bill which I believe will meet the difficulties which have been suggested, and will remove all the evils complained of. That bill is now upon the Calendar, and I have given notice, under the instruction of that committee, that I will call it up for consideration on Monday next if that committee is reached in the call—and it undoubtedly will be—and ask the House for its passage. If it be the disposition of the House to permit the offering of such an amendment, I will very gladly move it as an amendment to the pension appropriation bill now pending and ask that it be incorporated as one of its provisions. I will move it in lieu of the amendment moved by the gentleman from West Virginia. I do not believe his amendment should pass in the form in which it now is. It does not meet the difficulties which have to be overcome. Indeed it does not seem to serve the purpose for which it was intended. I will send to the Clerk's desk to have read at this time the bill to which I have alluded, as a substitute for the amendment of the gentleman from West Virginia.

Mr. HAMMOND. I object. The question pending before the committee is whether the amendment of the gentleman from West Virginia is in order. It is out of order to discuss the merits of the question while that is pending.

The CHAIRMAN. The Chair sustains the point made by the gentleman from Georgia that it is not in order at this time to discuss the merits of the proposition. The Chair several times has already reminded gentlemen the pending question is on the point of order which has not yet been decided.

Mr. BELFORD. Since there seems to have been a pretty general discussion here, I think I ought to be permitted to say at least that the country will be gratified at the evidence of the gentleman from Pennsylvania, which he himself gives, wherein he declares that he has become the custodian and protector of the Republican minority in this House.

The Republican party is able to take care of itself, and we do not ask his protection. The minority, for whom he says the rules have been made, demand this amendment. He, our protector, the man who would shield our morality and our virtue, stands up and says he is going to protect us in our rights when we are insisting that one of our rights is that this bill shall be considered.

What is the title of this bill? It is a bill making appropriations for the payment of invalid and other pensions of the United States. I have letters on my desk from all parts of the country with reference to it. [Laughter.]

Now gentlemen have had their say and I propose to have mine for a moment. I am speaking to the point of order, and the question is, is this amendment germane to the bill? How will you ascertain that until you look at the bill itself? What is this bill about except invalid pensions? That is what the bill itself contemplates. That is its subject-matter. Now I think that when a child looks like its father you ought to presume at least that he had some connection with that family and is germane [laughter] and that he is entitled to go in at the family board and the family table.

The gentleman talks about expending the money of the people. Does the mere presumption that a man who was a healthy man when he was mustered into the Army increase your public expenditures? Does your Treasury rest upon a miserable presumption? How does it increase the appropriations? In what manner does it increase them? In what measure, I ask, are they increased? This amendment says that every widow who lost her husband in the Army shall not be required to prove that he was a sound man when he entered the service if he had been examined and accepted by a board of officers appointed by the Government of the United States to determine whether he was able to serve or not. You know that he could not have entered into that army if he had a physical defect of any kind. If he had a crooked tooth, that would have rejected him before the examiners.

Do you not know that to be a fact, and why? Upon the old theory that he had to bite off the end of the cartridge, although in 1860 you know and I know that no man could bite off the end of a brass cartridge. [Laughter.] And you, understanding that fact, and notwithstanding the close and careful examination which was made by the officers of the United States, you say that the soldier's widow shall prove to this Government that he was a sound man when he went in! And you know how rigidly they were examined, stripped, inspected, their mouths opened like the slaves sold in the markets at Constantinople, and if sound they were mustered into the Army. But now under a mistaken policy of economy the gentleman expects, but it is a vain

expectation, to ride into the Presidential office. [Laughter.] In that expectation he refuses us, the minority of this Republican House, whose virtue he has kindly undertaken to protect, the right to incorporate in this bill a just and wise and proper amendment.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The amendment proposed by the gentleman from West Virginia will again be read by the Clerk.

The Clerk read as follows:

Add after the twentieth line:

"And provided further, That no proof shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States, and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted."

The CHAIRMAN. This provision is proposed to be added after line 20, on page 2 of the bill. The preceding lines of the bill make an appropriation for the payment of invalid and other pensions for the ensuing fiscal year. The rule provides that no amendment shall be in order on any general appropriation bill which changes existing law except such as, being germane to the subject-matter of the bill, shall retrench expenditures in one of three ways:

By the reduction of the number and salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

This amendment does not come within any one of the provisions required by the rule; and the Chair therefore is under the necessity of sustaining the point of order and ruling the proposed amendment out.

Mr. HISCOCK. I desire to move to strike out lines 11, 12, 13, 14, 15, and 16 down to the word "provided," and insert in place thereof \$86,640,400.

The reason I offer this amendment is because I believe it is wise that all appropriation bills should upon their face in figures and in terms carry the amount that is appropriated; and I shall be delighted to hear any member of the Committee on Appropriations give to this committee the reason why that should not be the case.

Now, Mr. Chairman, the only excuse for this legislation that I have heard offered upon the floor is that this House in the last Congress reappropriated a part of the unexpended balance or all of the unexpended balance of a preceding year. And upon every inquiry that has been made why we have this form of a bill before us we have been cited to the action of the last Congress.

I ask the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, if he believes this species of legislation is wise? If we set a bad precedent does he believe it should be followed? What excuse is there for it? I remember very well, sir, the reason why we did it. I was told here upon the floor that I was attempting to cut down the appropriation bills and create deficiencies. An estimate had come from the Pension Bureau saying that \$101,000,000 was necessary to pay pensions. I did not believe it. I went down there and made an investigation myself personally. The bill was reported to the House carrying \$101,000,000, if I remember rightly. I say I did not believe that that sum was needed to pay the pensions. I went down to the Commissioner's office and investigated the question and became satisfied that it was not needed. I proposed to reduce the appropriation to \$86,000,000. I was told in the committee-room that it was my purpose to create a deficiency. I repelled that charge. I was told here also upon the floor that it was my purpose to create a deficiency; and from abundant caution I put that clause in the bill. It was my action, and I am responsible for it. The result proves that I was right. We appropriated what was amply sufficient to pay the pensions. Of the \$86,000,000 which was carried by the bill there is an unexpended balance to-day.

That, sir, is my explanation of what took place in the last Congress. It was done to answer the charge which was made, both in the committee-room and here upon the floor, that it was the purpose of the committee to create a deficiency to be provided for by this Congress. We created none whatever. We appropriated more than is required for the current year. As I understand, a part of the \$86,000,000 will remain unexpended at the close of the current year—a considerable amount of it.

Now, the Committee on Appropriations take the money that was appropriated by a preceding Congress, and that a Republican Congress, and use that for the purpose of reducing the aggregate amount carried by their bill. I ask gentlemen of the committee if there is any precedent for that? Did we ever borrow from an excessive appropriation made by a Democratic Congress to eke out the payments of the Government for any fiscal year?

I ask, Mr. Chairman, for a better reason to be given, in view of the explanation I have made, for your borrowing from previous years, than has been given. As I have said, I believe this bill should carry the exact amount which the Committee on Appropriations believe is necessary to pay the pensions, that the people may not be driven to the CONGRESSIONAL RECORD, to the report made by the Committee on Ap-

propriations, to find out how much money has been appropriated. The appropriation bill itself should carry it.

[Here the hammer fell.]

Mr. RANDALL. If there is a man in this House that is estopped from complaining of this language in the bill it is the gentleman from New York [Mr. HISCOCK] who has just taken his seat. I hold in my hand the pension appropriation bill of last year, and I find in that bill the very words which the gentleman seeks to strike out. He has been beating about the bush to get clear of the responsibility of it. Now we have done in this matter just as the gentleman from New York did. He says we encroach upon the appropriations of a Republican Congress. Does the gentleman not remember that he in like manner encroached upon the appropriations of a Democratic Congress in that particular?

Mr. HISCOCK. May I ask the gentleman when?

Mr. RANDALL. Why, last year.

Mr. HISCOCK. I beg the gentleman's pardon. I encroached upon the appropriation of a preceding year, the appropriation of a Republican Congress.

Mr. RANDALL. But the gentleman also encroached upon a balance remaining from the year before, because these balances had been kept running until you reappropriated them. There was available at the beginning of this year \$126,000,000; and there has not been at any time expended in any year more than \$60,000,000. And I want to say here that the Committee on Appropriations, desiring to be absolutely secure about having every dollar that was essential paid to pensioners, have put in the bill more by \$20,000,000 than there is any occasion for; the object being that we might be absolutely safe and not subject ourselves to the charge here or elsewhere that we were not providing sufficiently for the pensioners. The gentleman from New York [Mr. HISCOCK] will remember that he appropriated \$86,000,000 and all the unexpended balances, and they proved to be \$40,000,000, as I have said. We have done the same thing. That is all there is of it.

Possibly there may be objections in other respects to this mode of legislation, and it may be that the appropriation bills ought to state the amounts appropriated, but it is a safe way, and pensions are exceptional in my judgment in that particular.

But there is not any political advantage about it. There are being expended \$60,000,000 a year for pensions, and everybody knows it; and we have appropriated so that we might be secure in these respects and not subject ourselves to the criticisms on the stump of political demagogues.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. HISCOCK. I move to strike out the last word. I shall be gratified, and no doubt the country will be, if the chairman of the Committee on Appropriations will follow the many good examples that I set him and not follow those which are pernicious.

Mr. RANDALL. Ah, now you confess.

Mr. HISCOCK. The only one that I now recall which I believe to be pernicious is the one which the Committee on Appropriations is here following, where they neglect to set out in the bill the amount of money, which it carries. And after the explanation I have made I am somewhat surprised that it should be said that that provision in the last bill is an estoppel upon me now. If gentlemen will look at the report of the committee of the last Congress, certainly if they will investigate what occurred in the room of the Committee on Appropriations and what was said in the debates here, they will find that that provision was inserted to meet the charge which was being made that we were attempting to create a deficiency. It was for that reason that that language was inserted in the bill.

The gentleman from Pennsylvania [Mr. RANDALL] says that we brought over unexpended balances from the appropriations of Democratic Congresses. The gentleman forgets that the unexpended balance which came over from the Democratic Congress was a deficiency which we appropriated for in the first session of the Forty-seventh Congress. We were compelled to appropriate \$14,000,000—I think it was; at least we supposed that amount was necessary—to provide for a deficiency in the payment of pensions. As it turned out only a part of that amount was needed. It was out of abundant caution that the Committee on Appropriations at the last session of Congress adopted the provision which was contained in the last pension appropriation bill.

Mr. RANDALL. I never question the motives of people; I avoid that. But there is a notorious fact standing out of record that from some cause or other the appropriations made at the last session of Congress were over \$60,000,000 less than the appropriations made at the preceding session of Congress. I am not going to inquire what the motive was; but the fact stands there and can not be controverted. One large item was the appropriation for rivers and harbors, which fell through. That accounts for \$18,000,000 of the sum, that being the amount which was appropriated at the preceding session for that purpose over the veto of the President. But outside of the river and harbor appropriation bill it is a fact that the appropriations at the last session of Congress were forty million and over less than the appropriations at the preceding session.

The following are the amounts appropriated in the several appropria-

tion bills at the first and the second sessions of the Forty-seventh Congress:

Title.	Law 1882-'83.	Law 1883-'84.
Pension.....	\$100,000,000 00	\$86,575,000 00
Military Academy.....	335,557 04	318,657 50
Fortifications.....	375,000 00	670,000 00
Consular and diplomatic.....	1,256,655 00	1,296,755 00
Navy.....	14,819,976 80	15,894,434 23
Post-Office.....	44,643,900 00	44,489,520 00
Indian.....	5,229,374 01	5,358,655 91
Army.....	27,258,000 00	24,681,250 00
Legislative, &c.....	20,038,000 65	20,454,246 22
Sundry civil.....	25,589,358 06	23,679,575 44
District of Columbia.....	1,695,098 04	1,700,697 23
River and harbor.....	18,738,875 00	
Deficiency.....	25,689,951 10	2,749,941 49
Agricultural.....	427,280 00	405,640 00
Total.....	286,097,025 70	228,274,373 02
Miscellaneous.....	9,413,614 16	1,912,723 88
Grand total.....	295,510,639 86	230,187,096 90

Mr. HISCOCK. It seems to be necessary that I should make some reply to the assertion of the gentleman from Pennsylvania. The gentleman attempts to argue from the fact that our appropriations in the second session of the last Congress were \$65,000,000 less than the appropriations at the preceding session. It is true that the item for rivers and harbors was a large one. But if the gentleman will look at the history of the legislation of the first session of the Forty-seventh Congress he will find that we were compelled to appropriate \$28,000,000 to cover the deficiencies of the preceding Democratic Congress, which deficiencies had been created by the failure of our predecessors to appropriate the necessary sums of money for the expenditure of the Government.

That deficiency of \$28,000,000 embraced items of appropriations over which Congress has no control whatever, no discretion whatever, as I have had occasion to point out heretofore. The existing law created the liability, and there was nothing for Congress to do but to provide the money to discharge the liability.

And I will also say in all frankness to gentlemen on the other side that we were more economical in the second session of the Forty-seventh Congress than we were in the first session. So far as appropriations for specific objects outside of the general expenses of the Government were concerned, we did hold them down more closely in the second session than in the preceding session. The river and harbor bill and this item of deficiency of \$28,000,000 will go very far to make up the \$65,000,000 which the gentleman talks about, and I have no doubt that the remainder of the amount can be accounted for by an economical saving which we made at the last session. I shall be ready to point to the record of the last Congress, so far as creating deficiencies is concerned, and compare it with the record of this or any other Congress which has ever assembled here. [Here the hammer fell.] I withdraw the *pro forma* amendment.

Mr. WELLER. I renew the *pro forma* amendment. It was with regret that I observed the necessity for our worthy chairman to rule the amendment offered by the gentleman from West Virginia [Mr. Goff] out of order under the rules of the House, for I deem that amendment an absolute necessity to the soldiers and sailors, their widows and orphans, that they may have that justice which is denied them or many of them under existing law as construed (and properly, too, perhaps) by the Pension Department.

I did desire to obtain recognition by the chairman at the time the amendment was before us for direct discussion of its merits, in order to plant myself squarely before this House and the whole country as solidly in favor of the soldier and sailor, his widow and orphan, in the matter of their just demands against the Government, for the life of which they paid so dearly to save.

I believe that one of the most unjust conditions which these meritorious people have had to meet is the sorry fact that they have been compelled to prove the soundness of the disabled, after these years of time have gone by, before their claims can be further considered—before the scanty pittance allowed by the Government to those of the rank and file can be paid to them or their dependencies; and all this after an admission into the service at the first instance through the ordeal of a searching medical examination by such authorities as the Government saw fit to furnish. This I have ever regarded as a matter of grave injustice; for the authorities of the Government proclaimed to the soldier, his wife, children, and dependent relatives, that they could depend on the one fact, that an able-bodied and physically sound man had entered the hazardous service of his country. But my individual views ought of right to have less weight and be regarded of less importance than the deliberately expressed opinions of the soldiers or their widows and orphans as made by themselves in their own chosen language.

Therefore, to give weight of public opinion to the sentiment and substance of the amendment offered by the gentleman from West Virginia [Mr. Goff], and more especially to spur the proper committee on pensions to immediate action on bills now before them covering this point, I ask

to have read by the Clerk as a part of my remarks a petition to this Congress from one single locality in my district to show the sentiment of those people in the premises of the bill or certain features of the bill under consideration. And, by the way, this petition is signed without reference to party—by Democrats, Republicans, and Nationalists.

The Clerk read as follows.

FREDERICKSBURG, April 8, 1884.

To the honorable members of the Senate and

House of Representatives in Congress assembled:

The undersigned, your petitioners, ex-Union soldiers and citizens residing in Chickasaw County and State of Iowa, would most respectfully urge upon your honorable bodies the passage of such laws as will estop the Government from requiring claimants for pensions to prove soundness or freedom from the particular disability at date of enlistment, and that we urge the passage of such laws as will direct the Pension Department to regard a pension claim established when the proofs are of such a character as would establish the same in a court of law; and the facts of his being mustered in the service and having performed the duty of a soldier should be sufficient proof of his soundness to establish his claim; and that we urge the passage of such laws as will entitle soldiers' widows to pensions without reference to cause or presumed cause of the soldier's death; and that arrears act be so amended as to allow a reasonable period of time to claimants for pensions to file claim therefor so as to embrace arrears, and your exertions in our behalf will be gratefully appreciated by us.

Signed by General Milo L. Sherman, H. B. Carpenter, and more than 60 others.

Mr. WELLER. That petition is from an isolated locality, and is signed by some of the best men in my district, who have been paid in "undying gratitude" too much, and in cash and lands for a homestead too little. The petitioners request, but I demand, that this unjust and unpatriotic feature of our present pension laws be swept from the statute-books and place be given to a law more humane and more in accord with the genius of our form of government; more in harmony with the spirit of this age and day of progress; more in keeping with the proclamations of many able gentlemen on this floor and elsewhere that they were the true friend of the soldier and the sailor who served in the late war, and therefore the friend of his widow and orphan. Let us have less of words and more of deeds, such as will prove conclusively that such words are not the fulsome offspring of deceit or hypocrisy.

I said this petition was from a single locality in my own county. I now send to the Clerk's desk, to have read as part of my remarks, a joint resolution passed by the Legislature of the State of Iowa at its present session on this soldiers question.

I desire to have it read to show that this demand for justice to the soldier is not confined to a few isolated localities, but that the proper sentiment of the country is being aroused on this question of granting speedy justice to these deserving people. But before it is read I desire to state that long heretofore I had determined to present a bill covering this very question as also many other important questions of great interest to my people and to the people of the whole country, but have been deterred by a knowledge of the rules of this House that when a bill came up for consideration and amendment, that no amendment, however proper it otherwise might be and however much the people might demand the relief sought, yet it could not be entertained against the objection that a bill embodying such provisions was already before the committee for its consideration, and therefore the House even in Committee of the Whole could not entertain and act upon such matters while the same were pending before the committee.

Thus I have forborne to put bills before this House touching important matters, lest they sleep the sleep that knows no waking from the committee, and yet I am forbidden to offer and the chairman to entertain an amendment embodying the subject-matter of any other bill then before any committee of this House but unreported therefrom, even though germane. The rules of this House in that respect are the same as those of the last Congress in such particulars, and ought to be stricken out. I now ask the Clerk to read the joint resolution of the present Legislature of the State of Iowa on this matter.

The Clerk read as follows:

[Joint resolution No. 18.]

Memorial and joint resolution in reference to the applications for pensions.

Whereas thousands of applications for pensions are now pending in the United States Pension Office and have been pending from two to ten years; and

Whereas many of the applicants gave the best years of their lives, their health, their strength in the defense of their country, and many gave up husband and father; and

Whereas many of them have now no means of support, but have with their families been reduced to abject poverty and want: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That these applications of right ought to be speedily adjusted; that the expectations, hopes, and just rights of those who suffered wounds and disease for their country's good should not longer be delayed.

Resolved, Second. That our Senators and Representatives in Congress be, and they are hereby requested to use all their influence to secure the most speedy and adequate adjustment practicable of all such claims.

Resolved, Third. That the secretary of state be instructed to furnish a copy of this memorial and joint resolution to each of our Senators and Representatives in Congress.

Approved April 7, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Witness my hand and the great seal of the State, April 9, 1884.

[SEAL.]

J. A. T. HULL, Secretary of State.
W. T. HAMMOND, Deputy.

Mr. Chairman, the language of that resolution I doubt not is the very sentiment entertained by the great body of the people of our whole country, and it has long been thus; and the query is, why have the

soldier's just demands been so long neglected? Why has it been left for this day, nearly a score of years since the close of the war? Why has the Legislature of my own State been called on at this late date to pass such a resolution, practically stultifying the past as to boasts of great love for the dear soldier, his widow, and orphan? Has it been because the Government had not wherewith to pay? If so, why has her Treasury been overflowing with silver dollars that would enrich these worthy ones so very much, in the stead of paying them out as we ought? Why stop the coinage of silver until these people are honestly, generously, patriotically paid for some of their sacrifices to maintain the old flag?

[Here the hammer fell.]

Mr. RANDALL. In answer to the resolution of the Legislature of Iowa, which has just been read, I desire only to say that in this bill we give to the Commissioner of Pensions every clerk, every surgeon, every examiner that he has asked for, and I do not see how we could possibly do more toward securing the prompt payment of pensions than this bill proposes. We give all the money that has been asked for and twenty millions more.

I hold in my hands and would like to have printed in the RECORD—

Mr. WELLER. May I ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. WELLER. Is it not true that the great obstacle in the way of the procurement of pensions by soldiers, their widows or orphans, is the difficulty of proving that the soldier was sound at the time of entering the service?

Mr. RANDALL. It is very difficult, I admit, in many cases to trace the wound or disability back twenty years.

Mr. WELLER. I ask the gentleman further whether there is any reason in equity why there should not be attached to this bill a provision, embraced in other bills now before the proper committee, declaring that the burden of proof in respect to physical unsoundness of the soldier at the time he entered the service shall be thrown upon the Government, not upon the soldier or his widow or his orphan?

Mr. RANDALL. On that point I would rather take the judgment of the Commissioner of Pensions than my own, because he has had more experience in the administration of the law. So far as I know, he has not recommended, upon this bill at least, any change of the law in that respect. I believe he has expressed his approval of the bill of the gentleman from Indiana. Let that or any similar bill be brought up here for consideration. There is no difficulty about passing pension bills in this House. The House is always ready to pass pension bills. It meets one night in every week for that purpose. It is always ready to suspend the rules and give the Committee on Invalid Pensions a day, or more than a day, to dispose of their legislation. My objection to such legislation upon this bill is that, whether good or bad, it does not properly belong in an appropriation bill. A general appropriation bill should provide the amounts of money necessary under existing law, and should not embody new measures of legislation.

The CHAIRMAN. Debate is exhausted on the amendment to the amendment.

Mr. WELLER. I withdraw the *pro forma* amendment.

Mr. HISCOCK. I understand that the question is now on my amendment.

The CHAIRMAN. It is.

Mr. HISCOCK. I ask that it be read.

The Clerk read as follows:

In lines 11 to 16 strike out these words: "Twenty million dollars; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, is hereby reappropriated and made available for the service of the year ending June 30, 1885;" and insert "\$86,640,400."

The question being taken on the amendment of Mr. HISCOCK, it was not agreed to, there being—ayes 60, noes 82.

Mr. BRUMM. I move to amend by adding to the section under consideration the following:

Provided, That upon the question of the physical condition of the soldier at the time of muster into service the common-law rule of evidence as to burden of proof shall be adopted in the adjudication of all claims for pensions.

The CHAIRMAN. The amendment will be read by the Clerk.

Mr. RANDALL. I reserve a point of order upon the amendment.

The Clerk read the amendment.

Mr. McMILLIN. I desire to reserve a point of order upon that amendment.

The CHAIRMAN. The point of order has been reserved by the gentleman from Pennsylvania [Mr. RANDALL]. In the opinion of the Chair the point of order should now be disposed of.

Mr. McMILLIN. My point of order is that the amendment changes existing law and does not retrench expenditures; therefore it is not in order on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania [Mr. BRUMM] upon the point of order. In discussing this point members are requested to observe the rules and confine themselves to the point of order, without entering upon a discussion of the merits of the question.

Mr. BRUMM. Mr. Chairman, the point of order raised by the gen-

tleman from Tennessee [Mr. McMILLIN] is twofold; first, that the amendment changes existing law; and secondly, that it does not retrench expenditures. As to the first proposition, I should like the gentleman to show me the law with which this amendment conflicts, or in what possible sense it changes existing law. The fact is that the Pension Department has established the rule of evidence which it deems justifiable, because it is held that the legislation of Congress in respect to pensions should be construed strictly, and therefore in the judgment of the department nothing can be done that might seem to go outside of the jurisdiction of the department in the investigation of the facts.

The law as it now stands provides that soldiers who have received certain wounds or incurred certain disabilities in the line of duty shall be entitled to pensions. This provision, as the Commissioner of Pensions thinks, makes it incumbent on him to require the soldier to prove affirmatively that the disability was received in the line of duty, and as a part of such proof to show that he had no disability when he was mustered in. Under the present construction of the law the soldier is compelled to prove a negative. I do not wish to criticize the action or opinion of the Commissioner of Pensions, but in my judgment this view of the law is not called for. The Commissioner, I submit, would have the right to presume that the soldier was sound in body and mind when he enlisted. He would have the right to presume, as all the rules of evidence presume, that the officers of the law performed their duty when they enlisted the soldier. The Commissioner would have the right to presume that when the soldier was mustered into the service he had all the qualifications necessary to entitle him to be mustered in. Among these are certain physical qualifications as to stature, health, &c. The presumption should be that the soldier had all these qualifications.

But the Commissioner of Pensions seems to think it became necessary to establish affirmatively again the fact that he had all these disabilities. Hence as to the first branch of the point of order, I say it is without foundation. It changes no existing law, but is simply declaratory of what the present law is, and it enables the Commissioner of Pensions to do as I believe Congress wishes him to do and as the people demands he shall do. And in that regard it is certainly not liable to the point of order.

As to the second proposition, that is, to the question of retrenchment of expenditures, I have this to say: Why, Mr. Chairman, the question as to whether these soldiers are entitled to their pension or not is matter of evidence, and the more you cloud the testimony the more you complicate the machinery by which you arrive at the proper facts, the more you expend the money of the people. Simplify your work; use the common-law doctrine; use the same rule of law and of evidence with the soldiers that you would use with the humblest claimant against this Government; use the same simple rules of evidence, and you will practically retrench expenditure.

How many employés are in the Pension Office to-day, kept there year after year for no other purpose than to haul and to overhaul, to adjust and to readjust, to examine and to re-examine, not finishing their work, but extending it from year to year, thus making your expenditure so much larger than it ought to be. My amendment means that you shall simplify the work of the Pension Office; that you shall say what shall be evidence and what shall not; what is their business and what is not. This is, in other words, to tell them at the Pension Office, you have no business to spend the money of the country in having men attempt to prove a negative. This tells them they must rest satisfied with the record evidence, and to presume all men are honest—that the men who went into the service and suffered disability were honest—

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL rose.

Mr. BRUMM. I have not finished my remarks on the point of order.

Mr. RANDALL. I thought the gentleman had concluded.

Mr. BRUMM. No; I had not.

The CHAIRMAN. The Chair is somewhat in doubt about the rule. Where the general debate has been exhausted under the order of the House, and the five-minute debate has begun, the Chair thinks that the discussion of points of order can not extend beyond the five-minute limit.

Mr. RANDALL. As I understand, this relates to the matter of clerk-hire. It is out of the 5 cents paid for vouchers the Pension Office is able to pay the clerks necessary to perform this service. It came to the knowledge of the committee that at 15 cents a number of pension agents were making over \$5,000 a year.

Mr. MILLER, of Pennsylvania. The gentleman mistakes the amendment of our colleague.

Mr. RANDALL. I understand he moves to strike out 5 cents.

Mr. BRUMM. No, that is not my amendment. I ask that the amendment be again read.

Mr. BRUMM's amendment was again read.

Mr. RANDALL. I think the testimony in relation to pensions is *ex parte*. I believe the point of order rests against the gentleman's amendment. I ask for a decision.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. BRUMM. I should like to correct the gentleman from Pennsylvania. It is true the testimony is *ex parte*, but the rule of the Pension

Office is to throw the whole burden of proof on the defendant. I propose to apply the common-law doctrine to it.

Mr. RANDALL. You might do a great injury to the pensioner by establishing a new rule of evidence. As I have said, it is now *ex parte*.

Mr. BRUMM. Oh, no. If you establish that rule it shifts the burden of proof upon the Government, and that is the effect of this and nothing else.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. CURTIN. I would like to ask the gentleman from Ohio, the chairman of the Committee on Payment of Pensions—

Mr. HENDERSON, of Iowa. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Iowa. Every step in this discussion is important, and it is absolutely essential that we should know what is going on.

The CHAIRMAN. The Chair is endeavoring to preserve order; and the public business will be suspended until order is restored.

Mr. CURTIN. I desire to ask the proper committee if they have not already prepared a bill which remedies all of this evil of which complaint is made.

Mr. WARNER, of Ohio. I can answer the gentleman. Yes.

Mr. RANDALL. They have prepared a bill, which will be introduced on Monday.

Mr. CURTIN. It is quite unnecessary then, I imagine, for any member of this House to say that justice to the soldiers should be done and that the country demands it. There are none here who have any other opinion than that justice should be done to them. But if this amendment is doubtful, and subject to the point of order, why not let the proper committee bring in a bill which will remedy the defects complained of, and let us proceed with the consideration of this bill?

Mr. BRUMM. I have been told that there is such a bill, but I have not been able to find it, and I will thank any gentleman to read me a clause in that bill which covers this point.

Mr. CURTIN. I have no political record to correct on this question. I do not desire to review what has occurred in Congresses previous to this, nor have I any disposition in this way to gratify my desire to do justice to that class of our American citizens who defended this Government in its hours of peril. I understand that the Secretary of the Interior is prepared to rule now that the *prima facie* is with the soldier who was regularly examined and pronounced fit to perform service, and the burden of proof is thrown upon the Government to prove that he was not fit and that his muster was a fraud.

Mr. BRUMM. If that be the case, there can be no harm in the adoption of this amendment.

Mr. CURTIN. But to relieve the Secretary of the Interior from all doubt in the matter, I understand that this soldier [Mr. WARNER, of Ohio] has a bill which covers the subject and which will be presented for our action in a very short time.

Mr. WARNER, of Ohio. In behalf of the Committee on Payment of Pensions, Bounty, and Back Pay, I will state that we have had such a bill under careful consideration for weeks. We have already reported a bill which meets the approval of the Commissioner of Pensions, and the committee has instructed the chairman to call the same up on Monday for passage under a suspension of the rules.

Mr. CURTIN. I suggest, then, that we had better go on with the consideration of this bill and let the committee report on that subject.

Mr. BRUMM. I should be glad if the gentleman from Ohio would read the clause of the bill which covers this point.

Mr. McMILLIN. Mr. Chairman, I do not think it is best in this hasty manner and upon an appropriation bill to incorporate a provision or a clause that may affect injuriously even a solitary soldier of this country. Whatever is done, let it come after proper consideration from the proper committee. I am willing to put any amendment on an appropriation bill that comes within the rule and which has been judiciously considered by the committee. But here we may pass a law which will make it even more difficult for the soldier whom we are pretending to benefit to prepare or make the proof that is required of him in his application. I therefore make the point of order, which had better prevail unless the gentleman withdraws the amendment, and let us act upon a bill which has received proper consideration and is reported by the committee which has charge of the subject.

Mr. ROGERS, of Arkansas. Mr. Chairman, I would like to be heard for a moment.

The CHAIRMAN. The Chair desires to remind gentlemen that this discussion must be confined to the question of order. We can not proceed with the merits of this bill if the time is to be consumed in discussing questions of order.

Mr. ROGERS, of Arkansas. I would like to make a single observation, not directly to the point of order perhaps—

The CHAIRMAN. The Chair will hear the gentleman on the merits of the bill when we reach that point upon which he desires to be heard.

Mr. ROGERS, of Arkansas. I am not sure whether it will be directly to the point of order or not; that of course will have to be determined by the chairman; but a word only in this connection.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROGERS, of Arkansas. I suggest to my friend from Pennsylvania that perhaps in its broadest sense the most unwise rule that could be adopted would be the common-law rule, because—and I emphasize it—because then you deprive the applicant for a pension of the right to testify in his own behalf at all. You cut him off from his right to testify, and I insist that no rule would be as detrimental to his interests as that.

Mr. GOFF. I think the gentleman is mistaken about that.

The CHAIRMAN. The Chair will decide the point of order.

Mr. BRUMM. In order that there may be no misapprehension—Several members addressed the Chair.

The CHAIRMAN. The Chair reminds members that this is on the point of order. No discussion can be permitted upon the merits of the bill while that is pending, although the Chair has listened to the suggestions of members. The Chair will also remind members that no business can be transacted in the prevailing confusion.

Mr. BRUMM. There is evidently, I only wanted to say, a misapprehension in the mind of the gentleman who spoke last as to the effect of this amendment. It does not go to the extent that he supposes—

The CHAIRMAN. The Chair heard the gentleman's proposition, and will state again that it is not in order at this time to discuss the merits of the bill.

Mr. BRUMM. I do not want it to go to the country that I have offered an amendment here that is in any way injurious or detrimental to the rights of the soldiers, and the gentleman from Arkansas misapprehends the amendment. It has only reference to the question of *prima facie* upon the muster-in or at the time of mustering in, and no more.

Mr. McMILLIN. Then the gentleman, in order that the country may not misapprehend him, had better withdraw his amendment.

Mr. BRUMM. I beg pardon; I want the country to hear the amendment, but I do not want it to be misunderstood.

Mr. RANDALL. The country will judge of that.

Mr. BRUMM. I will take the result of that judgment. The country will understand the amendment if gentlemen do not.

The CHAIRMAN. The Chair desires to decide the question of order.

Mr. LAIRD. I wish to ask a question, to which I should like an answer from some member of the committee.

The CHAIRMAN. The Chair will decide the question of order unless the gentleman from Nebraska desires to speak to the question of order.

Mr. LAIRD. I supposed that had been disposed of.

The CHAIRMAN. The same point of order substantially was presented on the amendment offered by the gentleman from West Virginia [Mr. GOFF]; and for the reason stated at that time the Chair sustains the point of order and rules the amendment out.

Mr. LAIRD. I move to strike out the last word of the paragraph under consideration for the purpose of asking a question of some gentleman of the committee.

I notice by the statement of the appropriations for 1883 that the item to cover the expense of the medical examination of applicants for pensions was \$528,000. The same item for 1884 was \$775,000. I notice that the appropriation in this bill for that purpose is \$500,000. The deficiency bill that we passed a short time ago indicated that the amount appropriated in 1884 was less than the amount required.

Mr. RANDALL. The gentleman from Nebraska is alluding to the deficiencies of 1883 and 1884; and now he asks the authority for our appropriating \$500,000 for the current year. I will give him the authority, and that authority is the Commissioner of Pensions himself, in a communication which reads as follows:

Estimating the examinations to be made during the ensuing fiscal year at from 100,000 to 120,000, it will require, it is believed, about \$500,000 to pay the surgeons, provided the fee remains as it is now fixed by law.

The amount may not be the same because the fee may be changed. If it is not changed the Commissioner of Pensions states that the amount is sufficient. If the fee is reduced, so much less would be required.

Mr. LAIRD. I withdraw the *pro forma* amendment.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the end of line 20:

"And provided further, That the mother of a deceased soldier shall be assumed to have been dependent upon her son, within the meaning of the pension laws, if at the date of his death or at any time subsequent thereto she had no other adequate means of support."

Mr. RANDALL. I reserve the point of order on that amendment until I can examine it; but I am willing to hear the gentleman from Kentucky explain his object.

Mr. WHITE, of Kentucky. The gentleman from West Virginia [Mr. GOFF] offered an amendment, to come in at the end of line 20, to the effect that a soldier was presumed to be sound when he was received into the United States Army. The present ruling of the department, with certain exceptions, is that he must prove that he was sound at the time he entered the Army and that the disease from which he claims to suffer and on which he asks a pension was incurred in the line of duty. I desired to offer what the Clerk has just read as an amendment to the amendment of the gentleman from Virginia, but for

some cause I could not get the floor at that time, and I offer it now. It may be that the point of order will lie against the amendment, but I hope neither the gentleman from Pennsylvania nor any other gentleman will insist on the point of order. It is a matter of simple justice, and it occurs to me that this is the readiest way to rectify the wrong that is now done to many dependent mothers claiming pensions before the department.

Under the present ruling the mother is compelled to prove that she was dependent on her son. Now, it is very hard for the mother to prove at this time that she was dependent upon a son who was just entering manhood and went into the Army and lost his life; but it is easy for every one of us to see that she was soon to be dependent upon him, and that she would have been dependent upon him more or less from that time to this. But no mother, however much she may be suffering now, if she can not prove that she was dependent upon her son at the time he enlisted, can get a pension for that son's services, although he may have lost his life in the service. It strikes me that there is here so clear a case of injustice that we should not higggle about it for a moment.

I believe if my amendment be adopted it will effect a saving in this way: The clerks here in the department have more trouble from this one small point than perhaps from any other that comes before them—I mean, to get the proof to convince the average clerk. I do not mean to cast any imputation upon the clerks as to their competency. On the contrary, I will go out of my way to say that I do not believe there are any clerks in any Department of the Government that do as much and as honest work from day to day as do the clerks of the Pension Bureau. But those clerks, hard-worked as they are, are not unfrequently nonplussed to tell whether a widowed mother is entitled to a pension, the difficulty being on the point whether she was wholly dependent or in part dependent upon the son when he went into the Army. Every one can see that when the son went into the Army, and a few months afterward lost his life in the service, although the mother might not have been dependent on him at the time he went into the service, she would have been dependent on him if he had lived until now. My amendment seeks to remedy a matter of gross injustice, one that annoys the department not a little, and we ought to make the amendment in this bill, because if we wait until it is reached in the regular way it may not be reached during this session.

Mr. RANDALL. As the gentleman from Kentucky has spoken on the merits of his proposition, I yield for a moment to the gentleman from Ohio [Mr. WARNER] to make a statement, that it may be seen that in making the point of order I am not opposed to the proposition, but I make it because it has no place on this bill.

Mr. WARNER, of Ohio. I wish to state that the bill I have heretofore referred to cures the defect of which the gentleman from Kentucky complains.

Mr. WHITE, of Kentucky. But does the gentleman think we will pass it this session?

Mr. WARNER, of Ohio. I hope we will on Monday.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. RANDALL. I do, for the reason I have stated.

The CHAIRMAN. The Chair, on the grounds already stated in connection with the amendment proposed by the gentleman from West Virginia [Mr. GOFF], sustains the point of order.

The Clerk resumed the reading of the bill, and read the following:

For pay and allowances of pension agents: For salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners, \$174,400: *Provided*, That from and after July 1, 1884, agents for the payment of pensions shall receive only \$5 for each 100 vouchers, or at that rate for a fraction of 100, prepared and paid by any agent in excess of 4,000 vouchers per annum: *Provided further*, That from and after July 1, 1884, there shall be no more than twelve agents for the payment of pensions; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. WASHBURN. I move to amend the paragraph just read, in lines 25 and 26, by striking out "\$174,400" and inserting in lieu thereof "\$240,000." Of the amount named in the bill \$66,400 is for the preparation of vouchers at 5 cents each. As I have already intimated, that sum is not sufficient to meet the actual expenses of the clerical services of the office.

Mr. RANDALL. I desire to reserve the point of order on the amendment. There was so much confusion when the amendment was read that I could not hear it distinctly. I supposed that it applied to only the charge for vouchers; but it seems to refer to something else. That is the reason why I want to reserve the point of order. I would ask the gentleman from Minnesota [Mr. WASHBURN] why he does not make his amendment apply alone to the vouchers, separate and distinct from anything else?

Mr. WASHBURN. I want to increase the amount here appropriated so as to cover an increased amount for the preparation of vouchers. The amount here named, \$174,400, is for the preparation of vouchers at the rate of 5 cents for each voucher, and also for salaries for pension agents, rent, fuel, light, postage, &c. I propose subsequently to offer an amendment providing that the sum paid for the preparation of vouchers shall not exceed 10 cents each.

Mr. RANDALL. I have conferred with the members of the Committee on Appropriations about that, and we have agreed that the amount shall be increased to 10 cents.

Mr. WASHBURN. Then there should be the increase of appropriation which I have indicated.

Mr. RANDALL. The subcommittee which prepared this bill, of which the gentleman from Minnesota [Mr. WASHBURN] was a member, gave, as I understood, full examination to the question and agreed upon the sum of 5 cents per voucher. The gentleman has made further examination since, and I think the gentleman from Texas [Mr. HANCOCK] agrees with him that the amount should be increased to 10 cents; and the gentleman from Indiana [Mr. MATSON], chairman of the Committee on Invalid Pensions, is of a like opinion. I should not, therefore, like to take the responsibility of making a point of order upon the proposition to increase the rate for the preparation of vouchers to 10 cents.

Mr. CANNON. If my colleague on the committee [Mr. WASHBURN] will allow me, I would ask him why it would not be better to first fix the amount to be paid for the preparation of vouchers, and the rest will be a mere matter of computation?

Mr. WASHBURN. The amount named in the bill is based upon a calculation of the amount required to pay for vouchers at the rate of 5 cents each.

Mr. CANNON. A few lines further down in the bill is the provision allowing 5 cents each for the preparation of vouchers. If it is the sense of the Committee of the Whole to make the amount 10 cents, that will be a material amendment, and if adopted the appropriation in the paragraph can be changed to correspond, as it will be a merely formal matter of computation.

Mr. WASHBURN. I intended after getting an increase of the appropriation in the paragraph to move an increase in the amount to be paid for each voucher.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. As I have taken up some of the time of the gentleman, if the Chair will recognize me I will yield my time to him.

Mr. WASHBURN. It may be that the Committee of the Whole would act more intelligently if I should move the other amendment first.

Mr. HANCOCK. I would inquire of the gentleman why it would not be better to pass over this portion of the paragraph for the present, until we see what the Committee of the Whole will do in regard to the other matter?

Mr. WASHBURN. That is what I was suggesting, that the committee would act more intelligently if they were called on in the first instance to vote on the amount to be paid for the preparation of the vouchers. I will therefore yield to the gentleman from Iowa [Mr. HENDERSON] to move an amendment.

Mr. RANDALL. I can give the amount at once which will be required if the change to 10 cents per voucher is made; it will be \$240,800.

Mr. HENDERSON, of Iowa. I think we had better first vote on the amount to be paid for the preparation of vouchers.

Mr. WASHBURN. If the gentleman from Pennsylvania [Mr. RANDALL] will pardon me, there are members of the committee who think that the amount should be more than 10 cents.

Mr. RANDALL. Yes; but I understand that the majority of the committee have agreed to make it 10 cents.

Mr. WASHBURN. I will yield to allow an amendment to be offered to test the sense of the Committee of the Whole as to whether the amount should not be increased to 12 cents.

Mr. RANDALL. I hope not.

Mr. CANNON. If it can be demonstrated that 10 cents per voucher will not pay the expenses of the office and leave the salary, then there should be a larger amount given.

Mr. RANDALL. Ten cents is quite adequate. I am advised that some of these agents have received as high as \$6,800 a year.

Mr. CANNON. And others have not received so much as the salary intended to be allowed them.

The CHAIRMAN. This can only be settled by an amendment moved in the proper way. The Chair understands that the gentleman from Minnesota [Mr. WASHBURN] has withdrawn his amendment.

Mr. WASHBURN. I withdraw the amendment, and yield to the gentleman from Iowa [Mr. HENDERSON] to move an amendment.

Mr. HENDERSON, of Iowa. I move to amend, in line 29, by striking out "\$5" and inserting in lieu thereof "\$12;" so that it will read, "agents for the payment of pensions shall receive only \$12 for each one hundred vouchers," &c.

I am satisfied that it is not the intention of the committee to reduce the compensation in this particular so that we will not be able to obtain efficient men to discharge this duty. In examining the law I find that the present rate of compensation—

Mr. WHITE, of Kentucky. I desire to reserve all points of order on the amendment.

The CHAIRMAN. It is too late to reserve points of order; discussion has been begun on the amendment and the committee have commenced its consideration.

Mr. HENDERSON, of Iowa. The present law gives these officers: first, a salary of \$4,000 per annum; second, 15 cents for the prepara-

tion of each voucher in excess of the \$4,000; and then they are also allowed for rent, fuel, and postage on checks and vouchers sent to pensioners and upon letters to the Department at Washington. The legislation proposed in this bill is exactly the same as the present law, except that it reduces the compensation for the preparation of vouchers to 5 cents each.

Now, out of this total sum received the agent must pay, first, his own salary; second, thirteen regular clerks, according to the computation of the Commissioner of Pensions; third, extra clerks four times a year, when the quarterly payments are being made; fourth, stationery, envelopes, &c.; fifth, printing; sixth, all postage other than on correspondence with pensioners and the Department; that is to say, postage must be paid on all letters to claim agents, attorneys, and friends of the pensioners, Senators and Members of Congress, and examining surgeons. For postage on correspondence of this description no allowance is now made by law. Seventh, the agent must pay for all office fixtures and furniture, except when he has accommodations in a Government building, and there are but seven out of eighteen who are thus accommodated. Then the agent has to pay all current expenses. In addition to this, he is responsible for all arrears in payments. These arrears frequently amount to \$500 or \$800 at a time, as I learn by conference with the Commissioner of Pensions. The Commissioner, after careful examination, estimates that the compensation under this proposed legislation will average \$8,839 for each agent, while the average expenditures of each will amount to \$9,532; so that under the bill now before the Committee of the Whole these pension agents will not receive one dollar of compensation, but will have to advance out of their own pockets to this great Government \$693 each. This is the effect of the bill, as the Commissioner of Pensions shows, after telegraphing all over the country and receiving responses from sixteen out of eighteen pension agencies.

I will give the details of that estimate, so that the committee may know the basis of the Commissioner's calculation. The salary of the agent, as fixed by law, is \$4,000; the estimated allowance upon vouchers for each agent, \$4,839; making the total receipts of the agent \$8,839. The estimated disbursements of each agent would be these: For one chief clerk, \$1,500; for one principal clerk, \$1,200; for nine clerks, at \$600 each, \$5,400; for eight temporary clerks, about ten days each quarter, \$832; stationery and printing, \$600; making the total disbursements \$9,532; the deficit being, as I have said, \$693.

Now, I desire to show how this bill would operate as applied to the agency at Des Moines, in my State, which pays pensioners in Iowa and Nebraska. I have obtained my figures by correspondence with the pension agent himself. That agency is one of the most economically administered in the country. I will vouch for the agent as a man of ability, who gives his entire energies to the discharge of the duties of the office.

Let me show you how the bill would operate in respect to that agency. That office pays 16,000 vouchers quarterly, making the amount annually 64,000. Deducting 4,000 vouchers, as required by law, we have left 60,000 to be paid for under this bill at 5 cents each, making \$3,000. To this add the salary of agent, \$4,000, and the gross receipts of the office are \$7,000. What does the agent actually disburse? He pays his chief clerk \$1,500, his second clerk \$1,000, being \$200 less than the estimate of the Commissioner. He pays three clerks \$800 each; making \$2,400.

[Here the hammer fell.]

Mr. HISCOCK obtained the floor, and said: I yield my time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. I wish gentlemen to bear in mind that this is one of the most economically managed offices under the Government. For temporary clerks, stationery, and printing this agent pays \$1,000; for extra postage, \$125. Thus the total disbursements of the office are \$6,025, leaving for the agent only \$975. That office disburses over \$4,000,000 every year. The agent gives bond to the Government in the amount of more than \$300,000. He devotes his entire time to the business of the office. Yet this bill proposes to give him \$975! I say that this legislation will destroy the efficiency of the service, which I do not believe either side of this House wishes to cripple.

At 12 cents per voucher the agent would receive a total salary of \$5,175, which I submit is but a reasonable compensation for so important an office, the incumbent of which gives such heavy bonds and handles so large an amount of Government funds.

I have not fully examined the figures furnished by the Commissioner of Pensions; but I believe my friend from Illinois [Mr. CANNON] has done so and will make a statement of the matter to the committee. From a hasty inspection I should say that the average salary would be a little more than \$4,000. I do not believe that the able chairman of the Committee on Appropriations, or the gentlemen at the head of the Pension Committees of this House—I do not believe that gentlemen on either side of this House wish to bring the compensation of these agents down to such a rate as will throw the work into the hands of inferior and inefficient men. Let us continue to have in these offices, as we have now, men of ability and integrity, who will discharge their duties with skill and efficiency, and satisfy the pensioners of the country with the work that is done for them.

The Commissioner of Pensions says it is hard to suggest an improve-

ment to the present service; it is so efficient and well conducted. Let us not therefore in our attempts to get at a reduction of expenditure strike a vital blow to an arm of the service which should find guardianship in every heart present in this Chamber.

Mr. MATSON rose.

The CHAIRMAN. Debate on the present amendment is exhausted.

Mr. MATSON. I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. MATSON. Mr. Chairman, the law has fixed the compensation of the pension agents at \$4,000 a year. The law intended he should have that much in the way of compensation, and no more. The amount which has been fixed heretofore to be paid for filling out each voucher was intended by the law to cover the expense of clerk-hire as well as other contingent expenses of each pension office.

Mr. CANNON. There was so much confusion in the House I was unable to hear what was said by the gentleman from Indiana.

Mr. MATSON. I will repeat what I have already said, and I will do it for the benefit of the gentleman from Illinois. The law has fixed the salaries of pension agents at \$4,000. It intends that as compensation for the office. The sum allowed for filling out vouchers was designed to cover the contingent expenses of the office.

Now, sir, the gentleman from Iowa [Mr. HENDERSON] has demonstrated that the sum of 10 cents for each voucher will give to his pension agent a salary of \$3,975, which is within \$25 of the amount intended to be fixed by the law as compensation for each pension agent.

Mr. HENDERSON, of Iowa. Will the gentleman from Indiana allow me to say a word?

Mr. MATSON. Yes, sir.

Mr. HENDERSON, of Iowa. I said that under the average expenditure the compensation of these officers of the Government would be much less in other districts than in my own. In my district of Nebraska and Iowa the amount used in running the office is lower than the average. You will find by reference to the figures at the Pension Office that 12 cents per voucher will give no more than the compensation contemplated by the law.

Mr. MATSON. The expenses are not so much in Iowa as they are in Illinois, and I presume there are more pensioners on the roll at Chicago than at Des Moines, and there certainly the compensation of the agent is sufficient at 10 cents a voucher. If 10 cents a voucher is sufficient at Iowa, as shown by the gentleman, it ought to be more than sufficient at Chicago, where there are more soldiers on the roll. It has been stated by the gentleman from Iowa that he is satisfied the proposition to pay 10 cents for each voucher will enable the agent at his place to receive within \$25 of the salary contemplated by the law. It will only encroach upon his salary to the extent of \$25, and I think it is not unfair to infer among the number of clerks, one at \$1,500 and one at \$1,000, he will be able to retrench the expenditures of his office sufficiently to supply the loss of that \$25.

Mr. HENDERSON, of Iowa. He must pay for extra postage with the examining boards of his district, with claims agents, and with members of Congress. He has to pay for ice and various other incidental expenses of his office. They all have to come out of this voucher allowance.

Mr. MATSON. I heard the gentleman's calculation, and he allowed \$125 for postage. The agent uses the penalty envelope when he corresponds with pensioners. He allowed \$1,000 for the contingent expenses of the office, and still he brought the pension agent within \$25 of the amount allowed by the law in the way of salary. He allowed everything for the pay of these clerks, and perhaps there are not too many of them.

Mr. WHITE, of Kentucky. Will the gentleman allow a suggestion in that connection?

Mr. MATSON. Certainly.

Mr. WHITE, of Kentucky. If the number of pension agents shall be reduced, as contemplated in this bill, will that not tend to increase the salary of the remaining pension agents considerably?

Mr. MATSON. Of course.

Mr. WHITE, of Kentucky. And that has been left out in the calculation of gentlemen?

Mr. MATSON. It makes the office more lucrative, as a matter of course.

Mr. HANCOCK. As this is a very sensational question, in which a number of honorable gentlemen seem to take a very lively interest, and as I think they ought to be indulged in making two or three speeches upon questions as they present themselves, I have not sought to prevent them from indulging in that pleasure.

This, however, seems to me a very simple proposition, upon which the committee having the bill in charge may be said to be practically agreed. It is probable that they retrenched a little too far on information they regarded as satisfactory in striking out the original allowance of 15 cents and substituting 5 cents for each of these vouchers, and upon subsequent information they are willing now to agree that the amount should be fixed at 10 cents. That will within a trifle be sufficient to defray the entire expenses of any of these agents and leave to the agent his entire salary of \$4,000 without any labor, or more than that of the general superintendency of the agency, chargeable to him.

I take it that gentlemen of character and capacity, sufficiently com-

petent to take charge of this duty of the Government, would not think it a very great hardship upon them if they should themselves fill up a few thousand more of these vouchers. The estimate of my colleague on the committee has, I think, put in a little bit more than is just and fair in the way of incidental expenses to which the agent will be subjected. He would include furniture, houses, soap—no I believe it was not soap—

Mr. WHITE, of Kentucky. Soap.

Mr. HANCOCK. Yes, soap. [Laughter.] I did not know but that my friend intended, since he has been so liberal to them in other respects, to feed and board them as well as to lodge and clothe them at the same time. But in that matter I think that these gentlemen can be left to take care of themselves, for they have to live any way whether they hold these positions or not.

But as to this little matter of postage which they will have to pay in writing letters to members of Congress, to Senators, probably to some attorneys, or somebody else, in connection with these claims, that seems to be a very insignificant sum. But it will be observed that provision is made in this bill for just such items. It will be observed on an examination of the provisions of this bill that it covers liberally such items. There is a provision here:

For contingent expenses of pension agents, \$10,000.

Now, I think that would be ample to meet all of these little contingencies; and the estimates by which my friend shows that 12 cents is absolutely necessary to meet these expenses are erroneous and misleading, for 10 cents will be found ample for all these requirements.

For myself I would rather err on the side of a sufficient appropriation which would guarantee prompt and efficient and reliable service, an appropriation that would provide all that is necessary. Still I think that 10 cents for each of these vouchers will be ample for all purposes. I think my colleague's calculation will show that is enough, if he utilizes the \$10,000 of the contingent fund to be used for all of the little expenses he speaks of here, and which we could not very well compute or specially appropriate for. Therefore we made a lump appropriation providing for such emergencies in order that with the amount paid for each of these vouchers these agents would be left their absolute salaries untouched. If in order, therefore, I move to strike out "12" and insert "10" in the amendment.

Mr. RYAN. I suppose the only conclusion that we desire to reach is a just one. What we desire to ascertain is what appropriation is needed to maintain these agencies. That these agencies are conducted economically every gentleman will infer at once when it is known that all the agent can save from the revenues of his office, from these vouchers at the present rate of payment, is his. He hires the clerks for the least possible salary that he can get them. He works them the greatest number of hours that he can. In other words, he conducts his office precisely as a banker would conduct his business or a merchant his.

Now, we have official data to show that for six months the revenue from these vouchers at sixteen of the eighteen pension agencies is in round numbers \$74,000. We have official data to show that for the same period of time the amount paid out of that revenue at these agencies is \$59,000. If you will reduce the \$74,000 of revenue one-fifth you have an amount almost exactly equal to the expenditures; so that if you reduce these vouchers one-fifth you have the exact sum necessary to maintain the offices, and that is 12 cents per voucher. That is all I desire to say.

Mr. CANNON. Will the gentleman from Kansas yield to me the remainder of his time?

Mr. RYAN. Yes, sir.

Mr. CANNON. I merely want to say this is not a matter to be debated about if we get the facts. We all agree these officers should have \$4,000, as the law provides, and no more.

I hold in my hand a statement compiled at the Pension Office from the returns for six months, made by sixteen of these agents, and from those returns, the agents hiring their own clerks and paying them out of their own pockets, this state of facts appears: In the six months they each paid an average of 495,920 vouchers for which they received pay. Now, at 10 cents a voucher that number produces \$49,592, whereas the expenses, which are here also stated officially, are \$58,425, the fees upon these vouchers falling short nearly \$10,000 of paying clerk-hire and the incidental expenses.

The salaries, therefore, of these agents, if you put it at 10 cents a voucher, are cut down at the rate of \$10,000 for six months, or \$20,000 for the whole twelve months. You may just as well understand it. If you put it at 12 cents a voucher, then for six months this will amount to \$59,510.40, only about a thousand dollars in round numbers above the expenditures for clerk-hire and the incidental expenses. If you put it at 12 cents, taking the last six months of business for the foundation of the calculation, you leave them the salary of \$4,000 per annum, as the law provides, while if you put it at any less you will reduce their salaries of \$4,000 by just that much.

That is all I want to say. It is not my figuring; it is the figuring the facts make on the last six months' business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MATSON. I wish to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. CANNON. If I have time I will be glad to hear the gentleman's question and answer it.

The CHAIRMAN. The time of the gentleman from Illinois has expired and debate on the pending amendment is exhausted.

Mr. WARNER, of Ohio. I move to strike out the last word.

The CHAIRMAN. That motion is not in order. Two amendments are already pending—the amendment of the gentleman from Iowa to insert "twelve," and the amendment to the amendment offered by the gentleman from Texas [Mr. HANCOCK] to strike out "twelve" and insert "ten."

Mr. WARNER, of Ohio. Can I offer a substitute to make the amount "eight?"

The CHAIRMAN. That would not be a substitute. The question is on the amendment submitted by the gentleman from Texas to strike out "twelve" in the amendment of the gentleman from Iowa and insert "ten."

Mr. WARNER, of Ohio. Would not a proposition to substitute "eight" for "twelve" or "ten" be in order?

The CHAIRMAN. That would be an amendment in the third degree and would not be in order.

Mr. RANDALL. I would suggest that the gentleman from Texas may withdraw his amendment temporarily and the gentleman from Ohio can renew it.

Mr. HANCOCK. I withdraw the amendment for that purpose.

Mr. WARNER, of Ohio. I renew the amendment.

There are about 320,000 pensioners upon the rolls. Four times that number of vouchers are required to be filled out. The average to each agent is about 68,000. But the number is constantly increasing. It will soon probably average 75,000 to each agency. That is, there are now from 17,000 to 18,000 pensioners on the average to each agency, each requiring four vouchers a year.

It is well known, Mr. Chairman, that these vouchers are largely filled out by local help; by ladies who are employed a few days each month. Type-writing machines are also used to save labor, and other economizing methods are adopted. With a constant increase in the number of vouchers, 10 cents a voucher will afford, in my opinion, ample compensation to the agents in addition to the fixed salary, \$4,000. Five cents I deem too small, but at 10 cents, with an increasing number to be filled out—and on each one of them there is a gain—the compensation, in my judgment, will be ample. I therefore favor the amendment of 10 cents.

Mr. RANDALL. The gentleman from Illinois [Mr. CANNON] said that he did not wish that these pension agents should receive more than \$4,000 salary. In other words, he said that was sufficient, and I quite agree with him. Now let me give you the Commissioner's figures. The Commissioner's estimate at 15 cents is \$199,200. The amount required at 10 cents on that basis would be \$132,800. The average amount to each of the twelve agents at 10 cents is \$11,066, which is not only adequate but in my judgment is quite liberal. I hope therefore the proposition fixing 12 cents will be voted down and that the rate of 10 cents will be adopted, in accordance with the amendment of the gentleman from Texas.

Mr. SMITH rose.

The CHAIRMAN. The gentleman from Pennsylvania can oppose the amendment to the amendment.

Mr. SMITH. The question with me is not as to the amount to be paid for a voucher; whether 10 cents or 20 cents shall be paid for each voucher. The question with me is whether some system shall not be devised to dispense altogether with vouchers. I can not conceive why my friends here who have looked so carefully into this matter should not have adopted some system by which the pensioner should be paid directly by the Treasurer of the United States, just as a public creditor is paid. The roll of pensioners is all here before us. It is in the Department of the Interior. The Commissioner of Pensions has it printed. Now, with that roll before him the Treasurer of the United States can make out a check for each pensioner payable to his order and send it to him; and when it comes back indorsed by the pensioner, as it must be, it is the highest voucher that the Government can have that the right party has got his money.

That is done with the creditors on the 3 per cent. bonds, the 4 per cent. bonds, and the 5 per cent. bonds, without any use of vouchers. Now will some one tell me why you should require a voucher from the pensioner, when you do not require it from the creditor of the United States? Here they are; both parties are known; the names of the creditors are in one book, and clerks are detailed at the proper time to make out the check for them, and as the time comes around quarterly each creditor receives his check. Why not adopt that rule in reference to the pensioners? Why should there be this needless expense in regard to pensioners? Why must a pensioner four times a year certify that he is a pensioner, when the fact is already known and his name is borne on the rolls of the Interior Department?

Mr. CANNON. Does the gentleman desire an answer to that question?

Mr. SMITH. I do, if you have an answer.

Mr. CANNON. It is done for the purpose of protecting the pensioner. In the case of the payment of interest on the public debt, the recipient is able to identify himself all the way through. But if the

same system should pertain to the pensioner that pertains to the public creditor, the result would be that the pensioner would be shaved step by step by parties he would get to identify him and to verify his indorsement.

Mr. SMITH. That is an entire mistake. So far from being shaved he would have his check from the United States and it would be cashed without the slightest trouble. But now, instead of getting the United States Treasurer's check, he gets the check of the paying agent, and it may or may not be paid promptly, just as the agent happens to have funds to his credit in advance.

There is no difficulty at all in the pensioner being paid by any savings-bank or other bank without any trouble if he has the Treasurer's check. All he would have to do would be to present that check. But now what does he have to do? The pension agent gets his money from the Treasurer, and it is sent to Philadelphia or Pittsburgh or Chicago or any other one of the places where pensions are paid. He takes the money of the United States and it is deposited to his credit as the paying agent.

Then the agent after all this circumlocution about vouchers has been gone through with gives the pensioner his own check, either payable to bearer or to order. Then the pensioner has to get it shaved if the agent does not happen to have funds on hand, or he may get it paid at some future time. I want to put the pensioner upon a footing of equality with the creditor of the United States; then you can dispense with all this circumlocution about vouchers and the pensioner will receive his check from the Treasurer payable directly to the order of the pensioner.

Mr. GOFF. Will the gentleman allow me to interrupt him for a moment?

Mr. SMITH. Certainly.

Mr. GOFF. The amounts payable to pensioners differ very materially, not every quarter, but many quarters different amounts are paid. In case a child should become above pensionable age, or in case a widow should remarry, or in case the pensioner should die, it is necessary to make out the voucher in order to show exactly what is coming to the pensioner.

Mr. SMITH. But that appears on the pension-roll; there is no difficulty about that.

Mr. GOFF. It does not appear on the pension-roll when a pensioner dies or a widow remarries.

Mr. SMITH. The pensioner would have some representative. There is no difficulty about that. Suppose that a creditor of the United States should die; there would be some one to represent that creditor.

Mr. GOFF. But there are 800,000 pensioners scattered all over the country.

Mr. SMITH. That need not make any difficulty. There are probably just as many creditors as there are pensioners. There need be no difficulty whatever on that point.

I have looked into this matter before. At a former session of Congress I reported a bill to this effect from the Committee on Appropriations, which had then the approval of the Secretary of the Treasury and of the Commissioner of Pensions. They thought there would be no difficulty about it. No one can give a satisfactory reason why a pensioner should be paid differently from what a creditor of the United States is paid, or why you should require more from a pensioner in the way of vouchers as to his identity than you require from a creditor of the United States.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes; and

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

PENSION APPROPRIATION BILL.

The committee resumed its session, and proceeded with the consideration of the pension appropriation bill.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. WASHBURN. If the gentleman from Ohio [Mr. WARNER] will withdraw his amendment I will renew it.

Mr. WARNER, of Ohio. I will withdraw it.

Mr. WASHBURN. I renew it for the purpose of saying only a word further. It is to be presumed that we all expect to pay these pension agents the salaries fixed by law, and no more—\$4,000 per annum. That is supposed to be adequate and entirely sufficient. Now, as a matter of fact, under this allowance for the preparation of vouchers many of these agents have received considerably more, probably some have not received quite that amount, but there are few, if any, who have not received \$4,000.

This system of making the pay of agents depend upon the number of vouchers does not seem practically to work very justly. For instance, I find that one agent gets \$6,800 a year—that is to say, he saves enough from his allowance to give him with his annual salary of \$4,000, \$6,800—while another agent barely realizes the amount of salary allowed by law. For this reason I have suggested that it would be well to strike down this whole arrangement of allowance for vouchers. I find from a statement which I have here that for the first six months of the present fiscal year the average cost of all this clerical work was a little less than 12 cents per voucher—that is to say, 12 cents per voucher was sufficient for this purpose. I believe that with the proposed reduction of pension agencies and the increased number of pensioners—something like 325,000 for the coming year—10 cents per voucher will probably cover the actual expense of doing this work; and this, I presume, is all that the committee desires to do. For one, I can see no objection to adopting the amendment substituting 10 cents for 12 cents; and as that amendment has been, I believe, withdrawn, I desire to renew it.

Mr. ROSECRANS. I wish to submit a substitute for the paragraph under consideration.

The CHAIRMAN. The substitute can be considered as pending, but the first question will be upon the amendment of the gentleman from Texas. The Clerk will read the proposed substitute.

The Clerk read as follows:

Strike out the whole paragraph commencing with line 23, and insert the following:

"That from and after the 1st day of July, 1884, the duties now by law devolving upon pension agents shall be performed by paymasters of the United States Army, to be detailed for that purpose and stationed at such places as may be deemed most advantageous for the convenient, effective, and economical execution of the work by the Commissioner of Pensions and the Paymaster-General of the Army, under such regulations as they may prescribe, subject to the approval of the President. And the Paymaster-General of the Army may assign to perform duty under the foregoing provision any officer of his Department now on the retired-list of the Army who may be deemed suitable, and who, while doing such duty, shall be allowed full instead of the three-fourths pay he is allowed on the retired-list; provided that the pay of officers detailed for these duties and the allowances for clerk-hire, stationery, postage, office-rent, and messengers shall be those authorized in the Pay Department, and no more."

Mr. RANDALL. I reserve a point of order upon this amendment. I do not know whether it is subject to the point of order; but I will say that the Committee on Appropriations has not authorized the acceptance of such an amendment.

The CHAIRMAN. The point of order may be reserved, if there be no objection; and the Chair will hear the gentleman from California on the merits of the proposition.

Mr. ROSECRANS. Mr. Chairman, I have made inquiries as to the capacity of the Pay Department of the Army to respond to such a demand as this amendment would make upon that branch of the service, and I have been informed that it can do so. Although under the recommendations of the Paymaster-General himself the law has already provided for the reduction of the paymasters' corps, which provision the Paymaster-General expects to execute as fast as the law contemplates, there are still twelve extra paymasters, so to speak, beyond what the law requires, and the contemplated reduction can only take place by death or casualty and the stoppage of promotions.

We have to pay these paymasters; they are accustomed to business; they have their clerks and their organization for work. Besides, I am informed by the Paymaster-General that there are four or five of the retired paymasters who would be suitable for this duty and would be glad to accept it. If they should be assigned to this service, each of them would, under the provisions of the amendment, receive \$750 a year more than he is now paid. This, with the allowance for quarters, would cover all the additional expense that would have to be provided for in the Army appropriation bill; and the Paymaster-General thinks there would be, under this arrangement, a saving of \$84,000. I am satisfied that the reduction would be greater.

Mr. Chairman, a great deal is said on this floor about the vast expense of making these quarterly payments to pensioners. But it may well be asked what is the need of so many pension agents? To whom do they personally deliver any pay? And of what advantage is it to a pensioner to receive a check from a pension agent at Knoxville rather than from one at Washington? I doubt whether any gentleman can show any advantage in such a system. I do not see any necessity for having even so many pension agents as are provided for by the bill of the Committee on Appropriations.

Mr. HENDERSON, of Iowa. If the gentleman will examine the records, he will find that the cost to the Government of paying pensioners is but \$4.76 for each thousand dollars disbursed; whereas the cost of paying the Army of the United States through the paymasters is \$23 for every thousand.

Mr. ROSECRANS. That may be the fact, but there is no just ground for making a comparison of that kind.

If this substitute should prevail we shall reduce expenditures, while I think it can safely be said we shall obtain at least equal if not greater efficiency in the service. It seems to me likely that this proposed arrangement will be more convenient to the great majority of pensioners than the present. Under the existing system only a few pensioners residing in the neighborhood of each pension agency can receive their pensions directly from the agent, and I take it for granted, from the

nature of the case, that payments are not made personally except when absolutely necessary. Even in these cases the pensioners have to dispose of their checks. Why would not every purpose be served if pensioners should receive the checks of paymasters stationed at such points as may be selected by the Commissioner of Pensions and the Paymaster-General, with the approval of the President of the United States? The present system has disadvantages of which I would like to speak and which I think the adoption of this substitute would remedy.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I yield five minutes to the gentleman from California [Mr. ROSECRANS].

Mr. HISCOCK. I understand that a point of order is pending.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] reserved a point of order. The Chair stated that if there were no objection the gentleman from California might proceed.

Mr. RANDALL. Upon examination I think the amendment is not subject to a point of order; but of course the gentleman from New York can make the point if he wishes.

Mr. HISCOCK. I make the point of order, and would like to have it passed upon.

Mr. HEWITT, of Alabama. I believe I have been recognized.

The CHAIRMAN. The gentleman from Alabama was recognized.

Mr. HEWITT, of Alabama. I yield my time to the gentleman from California.

Mr. ROSECRANS. I was about to state that in my judgment this substitute will remedy some of the evils which attend the present system and are indeed inseparable from it. I shall not undertake to specify particularly, but I am satisfied from actual inquiry of a serious kind that there are some abuses growing up and that some of the pension agents have been compelled to divide their salaries and contribute money for political purposes, and that when they could not be induced to do it they have been removed and others put in their places who were of a more accommodating temper. This disadvantage, this sort of corruption will at least be dispensed with by the proposition I have submitted for the consideration of the committee.

Mr. CANNON. My friend from California has made a statement, and I should be glad to know from him who is the pension agent to whom he has referred and when was he removed—whether before the civil service law was passed or since?

Mr. ROSECRANS. I have no doubt the gentleman from Illinois would be glad to know.

Mr. CANNON. Yes, I would.

Mr. ROSECRANS. At the proper time, I will be glad to tell him, but for the present I must decline.

I have no hesitation in saying, Mr. Chairman, it is my belief from actual knowledge that when I make that statement I am within bounds, for there has not only been one such case, but there have been more.

Mr. CANNON. But does not my friend think when he says that a pension agent who would not contribute more than half of his salary to political purposes was removed that it is only just and right to the country he should point out that pension agent so that he may be removed, and also who it was that compelled him to make that contribution for political purposes?

Mr. ROSECRANS. I do not think that would be the case just now, but the time will come when it will be proper to do so.

I have only to say in conclusion that on account of reducing expenditure, and giving, in my judgment, greater efficiency, avoiding, as it certainly does, corruption, at any rate removing the chance of such influence, I trust the proposition which I have submitted will meet with the favorable consideration of the committee.

The CHAIRMAN. Does the gentleman from Pennsylvania reserve the right to make the point of order against the amendment?

Mr. RANDALL. I did at first, until I could know what the amendment was, but now that I know what it is I do not, because I think it is not open to the point of order.

Mr. HISCOCK. I renew the point of order.

Mr. RANDALL. Under the practice the gentleman has the right so to do.

Mr. HISCOCK. It will be agreed on all hands, Mr. Chairman, that the amendment of the gentleman from California proposes general legislation of a very radical character. It changes existing law, and it does not seem clear it will decrease the amount of money carried by the bill. A result may be worked out, but it is impossible to say without looking all through the statutes and summing up the amount under one system and under the other that it does retrench expenditure. It certainly does not upon its face decrease the expenditure of the Government.

Mr. ROSECRANS. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. ROSECRANS. Does it not strike out the appropriation in the bill and provide that this service shall be done by Government officers who have to be paid anyhow?

Mr. HISCOCK. So far as that is concerned, I will say to the gentleman that we will call for a division of the question. But the gentleman will hardly contend no appropriation must be made for the preparation of vouchers even should his system be adopted. These expenses

have to be provided for as well under his system as under any other. We will have to provide still for the payment of the expenses of the preparation of these vouchers.

Mr. ROSECRANS. If the gentleman will permit me, I will give him my answer at once so he may meet it. I have no idea such will have to be done.

Mr. HISCOCK. I insist it must be done, and I prophesy that every member of the Committee on Military Affairs except the chairman will agree with me on that point. The fact that these duties are to be discharged by paymasters on the retired-list will not render it unnecessary to have the assistance of a corps of clerks for the payment of which an appropriation will be necessary. It will not render the rent of offices unnecessary. All of these things, as a matter of course, will have to be appropriated for and they are not relieved by the amendment offered.

Now, so far as the amendment itself is concerned, so far as it strikes at the items covered by this bill, I make no point against it.

My point of order is made on that provision of the bill which transfers the duties of these officers to the Paymasters' Corps of the Army, or officers on the retired-list, and it is only to that feature of the amendment that I address my point of order and argument.

The CHAIRMAN. The point of order is that the proposition is not germane?

Mr. HISCOCK. The point of order is addressed to the provision of the amendment which transfers the duties of the pension agents to the paymasters and to men upon the retired-list. I say that the amendment is not germane to the bill, and that the provision of legislation does not reduce the amount of money covered by the bill.

Mr. FASHBURN. I want to call the attention of the House to a matter of fact, and as a matter of fact to show that the proposed change would not reduce expenditures. I find upon examination that there is no branch of the service where the disbursements are made so cheaply as in the payment of pensions. I find that the cost of disbursing the money to the pensioners is at the rate of \$4.76 per thousand; while the cost of disbursing to the Army ranges from \$25 to \$30 per thousand, almost five times as much. One is by paymasters, the other by the proper machinery. I therefore can not see where the reduction of expenditures comes in.

Mr. ROSECRANS. The honorable gentleman from Minnesota seems to think that because the percentage of cost of disbursing moneys or paying troops by the paymasters of the Army is larger than the percentage of the cost of disbursing pension moneys, therefore it grows out of the use or employment of that kind of officers. That is not the case, at all. It is due to entirely different circumstances. The paymasters have to go around and pay the troops. They are the remnants of a large corps which once performed much more extensive duties than are now required of them. It is a corps for the reduction of which the law has itself provided, and for that purpose has prevented any more promotions being made in it.

It is to utilize that very separate force, which exists and which costs the Government money now, in this work that I propose the amendment; and it is a force which is to be reckoned in the cost of making payments to the Army. We want to utilize it. We want to substitute this force which we already have to pay for the agents of which I now speak. It can be done at less cost. That is a very plain proposition.

Now, my honorable friend from New York asked me a question to which I responded before I had his full idea. He asked me whether the voucher system which the law now requires would have to be continued in the event of the adoption of this amendment, and his object was to show that I was mistaken as to the fact that the adoption of this proposition would reduce expenditures. I replied that I did not expect the voucher system to continue, not knowing exactly what he meant, but remembering only that the paymasters of the United States Army pay the officers, or nearly all the officers, of the Army by checks. There is no charge for that, except the mere charge for the stationery required. He mentioned then that it would be necessary also that they should have offices. Yes, there would probably be some offices required and some office-rent to pay in addition; but I can tell the gentleman that there would be no necessity for eighteen, or twelve either, of these offices. I undertake to say more than that: that out of the number of officers who are disabled (paymasters) provision need not be made for probably more than four or five, because there are only four or five of these officers who could perform this service or whom the Paymaster-General considers eligible to put on that duty.

Now, if these were lieutenant-colonels it would be an addition of only \$750 for each of the four, or \$3,000 for the four, in addition to what is paid them now, while the four pension agents would cost \$16,000. The paymasters at present not only receive salaries for their time but they have also clerks. There would be perhaps some additional clerks necessary if this change was made; I have no doubt of that; but if any man can make me believe that it is worth more than 5 cents apiece to make up these vouchers, or that it should be 10 or 15 cents, which used to be 30 cents, and that the smaller sum is not a sufficient compensation, he can do better than I think he can. I will take any good, competent clerk who is a rapid penman and he will readily earn \$15 a day making out these vouchers at 5 cents each. I am not able to say how

much the clerk-hire would be, or how much it would reduce the bill in that item, or how much it would be an increase over the clerk-hire for those now in actual service with the paymasters, but I have no doubt whatever that it would be very much less indeed than the amount now paid to the agents, and but a very little more than is now expended for these clerks of paymasters.

I think it is plain on the face of it that so long as we utilize these officers we will save on the present basis eighteen times \$4,000, or \$72,000 a year. On the basis of the bill of the committee which we are now considering the saving would be twelve times \$4,000, or \$48,000 of salary. We replace all that without the cost of one single cent. Or, if we allow for four officers taken from the retired-list, \$3,000, it would be a saving of \$45,000. It seems to me the objection of the gentleman from New York will not lie.

Mr. HISCOCK. I do not want the Chair to misunderstand my point of order in this case. So far as the gentleman proposes to strike out the appropriation of money carried by this bill I make no objection. I make no point of order on the substitute so far as it does that. But the point I make is against that provision of the substitute which proposes to transfer to the Army officers, the paymasters, the discharge of the duties now performed by the pension agents.

I do not wish to repeat the argument. It is a mere matter of calculation for you to determine whether the effect of the substitute will be to decrease or to increase the amount of money to be expended. Certainly this legislation would not have the effect of reducing the amount covered by this bill. No gentleman will think this legislation of itself, pure and simple, would have the effect of lessening the amount covered by the bill.

I ask the question, wherein is the amendment germane to the bill? Here is a bill simply appropriating money. The transfer of duties from one officer to another it seems to me is in no way germane to an appropriation bill.

Mr. MATSON. The points of order which have been made against this bill heretofore by members of the Committee on Appropriations have been made upon the ground that the matters proposed by the various amendments were not matters which had been considered by the Committee on Appropriations. That ground cannot be taken here; because I think it is well known by every member of this House that the Committee on Appropriations went so far as to print a proposed matter of legislation in connection with this bill, of the most radical kind, providing the pensioner should be paid by checks direct from the Treasury Department; so that neither the gentleman from New York nor any member of the committee can say the Committee on Appropriations have not considered this matter in the most radical sense. The point of order, however, made by the gentleman from New York is that this amendment is not in order because it does not appear on the face of it to propose a reduction in public expenditures. The gentleman says that in order to determine that matter you have to make a mathematical calculation. I apprehend if any item in this bill was proposed to be amended by inserting a smaller sum, the Chair in determining the point of order on that would have to go into a mathematical calculation.

And I take it the chairman will take notice of what the law is as to the pay of officers of the Army. I do not pretend to say that the Chair will take notice of the fact that there are now supernumerary paymasters, paymasters who have no duties to perform, paymasters on the retired-list who are competent to perform these duties. But I say the Chair will take notice of the fact of the compensation of paymasters, and if this amendment proposes, as I understand it does, to provide that these paymasters discharge the duties of pension agents, the Chair can see at once without any intricate mathematical calculation that it does propose to reduce public expenditures to the amount of the salaries that are now paid to the pension agents, because the amendment proposes not to appoint new officers to the Pay Corps of the Army, but proposes that these officers now appointed and now paid by the Government shall take the place of these pension agents; so that the Chair will see at once the amount of reduction is the amount paid as salaries to these pension agents.

But the gentleman from New York says the proposition is not germane. Why is it not germane to this bill? It relates to the matter of paying pensions. It changes, of course, the officer. It supplies instead of one appointed as a pension agent an officer of the Army. But it relates to the subject-matter of the bill, which is the matter of the payment of pensions.

Mr. BRUMM. Will the gentleman from Indiana permit me to ask him a question?

Mr. MATSON. Yes, sir.

Mr. BRUMM. Has not the Secretary of War the right to discontinue the employment of paymasters at any time when they are not needed?

Mr. MATSON. I suppose Congress has the right to provide—

Mr. BRUMM. I ask whether the Department has not the right to do that without special law?

Mr. MATSON. To discontinue the employment of paymasters of the Army? I suppose not; the chairman of the Committee on Military Af-

fairs, who is more familiar with Army matters than I am, says it has not that power.

Mr. BRUMM. Will the gentleman say how they are appointed, from the line or how?

Mr. MATSON. These supernumerary paymasters, as I understand, are officers that have come down to us from the Pay Corps of the Army from the war.

Mr. BRUMM. Were they not appointed from civil life?

Mr. MATSON. I presume some of them were graduates from West Point and some were appointed from civil life.

Mr. BRUMM. They are not from the line?

Mr. ROSECRANS. Some are from the line too.

Mr. STEELE. They may be appointed from the line.

Mr. MATSON. I decline to yield to more than one gentleman at a time.

Mr. STEELE. I was proposing to give an answer to the question of the gentleman from Pennsylvania.

Mr. MATSON. I did not hear the gentleman.

Mr. BRUMM. I would like the gentleman from Indiana [Mr. MATSON] to say whether he is positive that the Department may not at any time discontinue the employment of any paymasters whenever their services are no longer required?

Mr. MATSON. I understand from the chairman of the Committee on Military Affairs that the Secretary of War has no power to drop them from the roll of the Army. I will now yield to the gentleman from Indiana [Mr. STEELE] for a question.

Mr. STEELE. I was going to answer the question propounded by the gentleman from Kentucky [Mr. WHITE].

Mr. MATSON. I do not know that I have anything further to say.

Mr. WHITE, of Kentucky. In regard to this change in the mode of paying pensioners, it does seem to me that the mistake has been in having pension agents at all.

The CHAIRMAN. The Chair desires to remind the gentleman that the question now before the committee is the point of order.

Mr. WHITE, of Kentucky. I am aware of that fact, and I am going to speak to it. I say that the mistake seems to be that we have any pension agents at all, instead of having the Treasury Department to do the work, as it ought to do. The proposition of the gentleman from California [Mr. ROSECRANS] is to substitute Army officers, now receiving salaries out of the public Treasury, in the place of pension agents, who receive not only the large salary of \$4,000 a year but perquisites and not only perquisites in the way of so much for each voucher, but allowances for house-rent and contingent expenses of various kinds. The point of order is made that that is new legislation. I think that has been sufficiently answered by the gentleman from Indiana [Mr. MATSON] who has just taken his seat.

The objection has been raised that this proposition will not reduce expenditures. I desire to address myself to that view of the case. As has been well said, these Army officers are already paid; these paymasters not only receive a salary, but they also are provided with clerks. There are at present eighteen pension agents, and there are about 18,000 pensioners on the average to be paid by each pension agent. The pensioners are not paid directly from the Treasury, as they ought to be, without the intervention of these pension agents, but they are paid through eighteen pension officers. These eighteen agents pay them four times a year.

The compensation of these agents is, first, a salary of \$4,000 a year, then an allowance for vouchers, amounting on the average to \$5,600 a year to each, and in addition to that an allowance for contingent expenses for fuel, light, &c. The proposition of the gentleman from California [Mr. ROSECRANS] is a substitute for the paragraph, to which are pending two amendments—one by the gentleman from Iowa [Mr. HENDERSON] to make the payment for the vouchers 12 cents each, and the other by the gentleman from Texas [Mr. HANCOCK] to make the payment for the vouchers 10 cents each.

The proposition of the gentleman from California is to employ Army officers, who are already paid salaries and provided with clerks, to do this work, instead of the twelve pension agents provided in this bill. Now, what would those pension agents get? At each one of these agencies there will be on the average 27,000 pensioners to be paid. For the first 4,000 pensioners each agent would receive \$4,000, leaving 23,000 pensioners remaining. Those 23,000 pensioners are to be paid four times a year, and at the rate of 10 cents per voucher each pension agent would receive in addition to his salary \$9,200 a year. In addition to that, the bill appropriates \$10,000 for contingent expenses of pension agencies, or an average of \$833 to each pension agent. That would make an average of \$14,033 paid to each one of these twelve pension agents annually to do this work.

The proposition of the gentleman from California is to allow twelve paymasters of the Army to do this work. My opinion is that that is a good proposition. If you do that, then you will find that the next Congress will wipe out this whole pension-agent business entirely and permit the Treasury Department to send the check directly to the pensioner, as should be done now. The pension agent simply gives his personal check, when the pensioner ought to have the draft of the

United States Treasury and he would then receive the money just as quickly as the pension agent now gets it.

It is no convenience to the pensioner to have these pension agents. They are simply men who have been put into these favored positions, and in some instances they abuse them. I will not take up the time of the committee now by showing how they do so; but if I were minded to do it I could show conclusively how the one in my State at least has abused his position ever since he held it, by running a paper and endeavoring to boost some man for some important position. That is but a part of the iniquitous system which we should get rid of.

The CHAIRMAN. The Chair is ready to decide the question of order. The gentleman from New York [Mr. HISCOCK] makes the point of order that the amendment of the gentleman from California [Mr. ROSECRANS] is not germane to the subject-matter of the bill. The Chair believes no other point of order has been made against the proposition.

Mr. HISCOCK. I also made the point of order that the effect of the proposed legislation would not be to reduce the amount covered by the bill.

The CHAIRMAN. Then the further point of order is made that the proposed amendment does not reduce expenditures.

The subject-matter of this bill is the payment of pensions. The paragraph under consideration appropriates \$174,400 for the payment of the salaries of pension agents, fees for preparing vouchers, rent, fuel, light, postage, &c. The amendment proposes to strike out that appropriation entirely, and hence it will reduce the amount covered by the bill. On that ground, therefore, the amendment is in order as coming within the provision of the rule by reducing the amount carried by the bill.

As to the further point of order that the amendment is not germane to the bill. The provisions of the bill relate to the payment of pensions and make appropriations therefor. It seems to the Chair that any amendment relating to the making of such payments would be in order. The mere fact that the amendment provides that one officer instead of another should make such payments does not necessarily make it subject to the rule. The Chair, therefore, is of opinion that the amendment is germane to the subject-matter of the bill, and for that reason also it is in order.

The time for debate on the pending amendment has been exhausted. The first question will be on the amendment of the gentleman from Texas [Mr. HANCOCK] to the amendment of the gentleman from Iowa [Mr. HENDERSON].

Mr. CANNON. I desire at the proper time to be heard on the substitute.

The CHAIRMAN. After the text of the bill has been perfected the Chair will submit the question on the substitute. The question is now upon the amendment of the gentleman from Texas [Mr. HANCOCK] to strike out "12" in line 29 and insert "10."

The amendment was agreed to.

The amendment as amended was agreed to.

The CHAIRMAN. The question is now on the substitute proposed by the gentleman from California.

Mr. WASHBURN. Is it in order now to submit an amendment reducing the appropriation?

The CHAIRMAN. It is.

Mr. WASHBURN. I move to amend by striking out "\$174,400," in lines 25 and 26, and inserting "\$24,800."

The amendment was agreed to.

The question then recurred on agreeing to the substitute of Mr. ROSECRANS.

Mr. CANNON. Mr. Chairman, I desire now to be heard for a moment touching the substitute of the gentleman from California. I believe that proposition should not be adopted. It proposes, as I understand, to throw upon the paymasters of the Army the duty of disbursing the money to the pensioners. I am not in favor of extending the duties of the Army. I am in favor of an army. It is necessary to have one; I am sorry it is. I never vote appropriations for it without regretting, looking at the subject from any standpoint, the necessity for an army.

But, in fact, an army is necessary. Perhaps our Army is about as small as it well can be—25,000 people, with the officers, paymasters, and the whole paraphernalia. Except so far as necessary to absolutely preserve the Government, to afford that element of force which the Government may require, I would not extend the duties or the powers of the Army one iota.

What is this proposition? To take the paymasters of the Army and throw upon them duties of a civil nature for which their trade does not peculiarly qualify them. The theory is that if a man is a good soldier he should be trained to the business; he should be set apart from other men, and should devote his talent, his time, his life to that specialty. In consideration of this he is assured under our law a fixed compensation which increases year by year; and when age comes upon him he is retired upon three-quarters pay, I believe.

I do not think the Army service is an economical service. Honorable I grant you it is, but economical it never was and never will be. For instance, how much do you suppose it costs to pay 25,000 people in the Army?

Mr. ROSECRANS. Will the gentleman state what was the percentage of cost for paying the Army during a time of war?

Mr. CANNON. I am speaking of it now in a time of peace.

Mr. ROSECRANS. If the expense is large it is owing to the very facts which we want now to remedy.

Mr. CANNON. There are 25,000 people in the Army to be paid; they are paid five times a year; and under the system of payment by these paymasters it actually costs to disburse to these 25,000 people their pay \$23 on every \$1,000; whereas to pay the 325,000 pensioners costs \$4.60 on every \$1,000 disbursed.

Now, I would like to know whether it is politic and proper to import into our system of paying pensions this expensive army machinery. I would retire more army officers, if you please; I would make more radical than it has been our legislation touching promotions, so that we could cut down the number of officers in the Army, and thereby reduce these expenses, rather than go hunting through the length and breadth of the land for some service outside of regular army service to which these military officers may be assigned. I say it is not republican; it is not economical. I do not think this Committee of the Whole will embark upon so radical an undertaking as this is.

Mr. ROSECRANS. I would like to say a word or two in reply to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. Debate is exhausted.

Mr. ROSECRANS. I move to strike out the last word. The gentleman has offered the most specious and unsound argument I have ever heard him utter on this floor. He talks about the expensive army system, knowing full well that when the Pay Department had to pay the large number of troops which during the war it did pay, only a percentage of the cost of disbursement was incurred, way below the cost of paying the pension-roll as it is now. The gentleman knows that very well, and yet he talks about the expensive army system.

Mr. HISCOCK. I hope the gentleman will state what that percentage was.

Mr. ROSECRANS. I have not the data.

Mr. HISCOCK. What is it in the Pension Office?

Mr. ROSECRANS. My recollection is it was much higher in the latter case. I have not the data at hand, but I have it in my committee-room, where these pay-officers preferred their petition, showing the amount of their disbursements and the cost of those disbursements by the Pay Department of the Army during the entire war, and it was a small fraction of percentage, I think one-third. Now we have the remnants of that Pay Corps. Through the goodness of Congress, instead of sweeping them out like old worn-out horses we have retained them; but under the provision of law we have stopped promotion in the corps until it has been reduced to forty.

We propose to take out of that redundant force which could pay 100,000 men as well as 25,000, and employ a few of them; I do not say it will be eighteen, and I do not say it will be twelve, but enough to make these pension disbursements, and the gentleman can not see there is any economy in such a proposition and he talks about this expensive army system.

Now, why should we not employ these men to do this work? The gentleman says they are not accustomed to civil service; that they have not been trained for this duty, and therefore they are not likely to be successful. That is a mere inference. During all their service in the Army their business has been to disburse funds in payment of troops, and I should like to inquire of any gentleman on this floor what particular quality there is in paying pensioners which is not like the general work of paying troops. I do not see anything why a man accustomed to pay troops could not with equal facility pay pensioners and keep his accounts with equal care and accuracy.

Mr. HENDERSON, of Iowa. Where do you contemplate having these officers located?

Mr. ROSECRANS. My substitute provides that they shall be located at such points as shall be found best for the efficient performance of the work. They are to be under the regulations prepared by the Paymaster-General and Commissioner of Pensions, and approved by the President. The President of the United States is to be the judge in the matter, as he was the judge as to where these pension agencies should be located.

Mr. HANBACK. Does it provide for these paymasters giving a bond?

Mr. ROSECRANS. Paymasters have to give a bond every four years.

Mr. HANBACK. To what amount—only \$20,000, I believe?

A MEMBER. On the retired-list?

Mr. ROSECRANS. On the retired-list or any other.

Mr. RANDALL. They are held by the bond of honor.

Mr. MILLER, of Pennsylvania. The citizen's is just as good.

Mr. RANDALL. They may be court-martialed.

Mr. MAGINNIS. They give the heaviest bonds in proportion to the amount handled of any officers in the Government.

Mr. RYAN. Not on the retired-list.

Mr. RANDALL. They have a record for honesty and fidelity unsurpassed by any in any service.

Mr. HANCOCK. I think it is hardly possible to get a vote on this question to-night, as the substitute offered by the gentleman from California seems to be a very important one. I move, therefore, that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6094), making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

SIoux INDIAN RESERVATION.

On motion of Mr. HOLMAN, by unanimous consent, the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

EULOGIES ON THE LATE MR. HERNDON.

Mr. RANDALL. Mr. Speaker, I wish to state that as I was unavoidably absent from the House on last Saturday, the day fixed for the delivery of eulogies on the late Mr. HERNDON, of Alabama, I now ask consent to submit some remarks which I had prepared to deliver on that occasion.

There was no objection. [See Appendix.]

EDUCATIONAL BILL.

Mr. AIKEN. I am instructed by the Committee on Education to ask unanimous consent of the House to take from the Speaker's table Senate bill No. 398, for reference to that committee.

Mr. HISCOCK. I object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEORGE P. WISE, for three days, on account of important business.

To Mr. DIBBLE, for three days, on account of important business.

FEES OF UNITED STATES MARSHALS, ATTORNEYS, AND CLERKS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement from the records of his Department showing the gross earnings per annum of each United States marshal, attorney, and clerk, the expense of his office, and net earnings which have been paid to him each year from the beginning of the fiscal year 1873 to the close of the fiscal year 1883; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

COLUMBIA HOSPITAL FOR WOMEN.

The SPEAKER announced the appointment, under the act of June 10, 1872, of Mr. BREWER, of New York, as a director for the Columbia Hospital for Women and Lying-in Asylum, in place of Mr. HOLMAN, resigned.

CINCINNATI LAW LIBRARY.

Mr. JORDAN. I ask unanimous consent to take from the Speaker's table the House joint resolution No. 224, granting certain publications to the Cincinnati law library, with a view to asking concurrence in the Senate amendments.

The SPEAKER. The amendments will be read, after which the Chair will ask for objections.

The Clerk read as follows:

In line 1, strike out the word "directed."

In line 2, strike out the words "and deliver."

In line 2, after the word "library," insert "if the same can be done without inconvenience from publications on hand belonging to the Government, and without cost to the Government."

In lines 3 and 4, strike out "circuit and district courts of the United States."

In line 6, after the word "annals," insert "and debates."

Strike out, after the word "representatives," in line 8, down to and including the word "Department," in line 9, and insert "and to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books."

In line 10, after the word "Government," insert "but no purchase of any of said books shall be made at the expense of the United States."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JORDAN. I move to concur in all the Senate amendments.

The amendments of the Senate were agreed to.

Mr. JORDAN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. COX, of North Carolina (at 5 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of the teachers and 125 students of the Cooper Union, New York city, for the removal of duty on works of art and the passage of the Belmont bill for that purpose—to the Committee on Ways and Means.

By Mr. CARLETON: Resolutions of the Michigan State board of health, in favor of the bill pending providing for a quarantine against the introduction of infectious diseases—to the Select Committee on the Public Health.

Also, the petition of Oscar Bartlett Post, Grand Army of the Republic, Wales, Saint Clair County, Michigan, relating to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. COSGROVE: Resolution of Fairview Grange, No. 416, Patrons of Husbandry, of Cooper County, Missouri, praying for a law to be passed making a practical farmer a member of the President's Cabinet—to the Committee on Agriculture.

By Mr. ELDRIDGE: Resolutions of Eaton Post, No. 222, Grand Army of the Republic, Department of Michigan, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. GLASCOCK: Petition of the raisin-producers of the State of California, asking for an increase of duty on raisins—to the Committee on Ways and Means.

By Mr. GUENTHER: Resolutions of Waushara Grange, No. 350, Wisconsin, relative to the establishment of experimental stations—to the Committee on Agriculture.

By Mr. HAYNES: Resolutions of the New Hampshire State Grange, asking for the elevation of the Bureau of Agriculture to a Cabinet Department—to the same committee.

By Mr. HOPKINS: Resolution of the Chamber of Commerce of Pittsburgh, Pa., in favor of bill to regulate the forms of international bills of lading, &c.—to the Committee on the Judiciary.

By Mr. KLEINER: Resolutions of Magnus Brucker Post, No. 234, Grand Army of the Republic, Troy, Ind., praying for bounty, back pay, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, a petition of the same import of Farragut Post, No. 27, Grand Army of the Republic, Evansville, Ind.—to the same committee.

By Mr. LAMB: Resolutions of ex-prisoners of war of the eighth Congressional district of Indiana, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. MCOMAS: Petition relating to the claim of Dr. John Munday, of Ann Eliza Eyler, and of Frederick Wyand—severally to the Committee on War Claims.

By Mr. MAYBURY: Petition of Hiram Jackson, Louis B. Guan, Fred C. Hess, Louis Getschlag, and many others, citizens of Detroit, Mich., in favor of the adoption of the pending bills for the protection of American labor, the restriction of Chinese emigration, and prohibiting the importation of foreign labor under contract—to the Committee on Labor.

Also, petition of James Stackpole, John Demass, jr., Frank Katus, and many others, on the same subject—to the same committee.

Also, resolutions of the Michigan State board of health, in favor of the bill pending providing for a quarantine against the introduction of infectious diseases—to the Select Committee on the Public Health.

By Mr. PAIGE: Petition of Nicholas Hawkins and others, of Wayne County, Ohio, for the passage of bills pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. OSSIAN RAY: Petition of the executive committee of the State Grange of New Hampshire, asking that the Bureau of Agriculture be made a Cabinet Department—to the Committee on Agriculture.

By Mr. SENEY: Petition of Francis I. Weber, D. S. Nye, Charles Hoyt, and 86 others, Ohio soldiers, for the passage of pending bills for relief of Union soldiers—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of Daniel Owen and others, citizens of Eastern Ohio; of J. Bohl and others, citizens of Eastern Ohio, for the restoration of the tariff on wool—severally to the Committee on Ways and Means.

By Mr. JAMES WILSON: Joint resolutions of the Legislature of Iowa, asking Congress to grant a homestead to soldiers—to the Committee on the Public Lands.

Also, resolutions of the Legislature of Iowa, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of Iowa, relative to the jurisdiction of Federal courts—to the Committee on the Judiciary.

Also, a petition from Baxter Springs Post, Grand Army of the Republic, relative to a national cemetery—to the Committee on Military Affairs.

Also, petition from soldiers of Johnson County, Iowa, asking for an appropriation for a soldiers' home—to the same committee.

Also, petition from Vinton Post, Grand Army of the Republic, Iowa, relating to the recommendations of the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.